

SCANNED

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October 15, 1993

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

RE: Docket Nos. 910163-TL and 910727-TL

920260-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Request for Confidential Classification. Please file these documents in the above-captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

Sidney J. White, Jr. (RW)
Sidney J. White, Jr.

Enclosures

cc: All Parties of Record
A. M. Lombardo
H. R. Anthony
R. D. Lackey

RECEIVED & FILED
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
11120 OCT 15 88
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
Citizens of the State of Florida)
to Initiate Investigation into)
Integrity of Southern Bell)
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)

Docket No. 910163-TL

In re: Investigation into)
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY'S compliance)
with Rule 25-4.110(2),)
F.A.C., Rebates)

Docket No. 910727-TL

Filed: October 15, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

COMES NOW, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files pursuant to Rule 25-22.006, Florida Administrative Code, and files its Request for Confidential Classification for certain portions of the Company responses to Staff's Twelfth Set of Interrogatories dated September 10, 1993.

1. Southern Bell is filing its Request for Confidential Classification for portions of Interrogatory Response Nos. 199(a) and (f) which contain employee personnel information unrelated to compensation, duties, qualifications or responsibilities. This information is expressly deemed to be confidential pursuant to § 364.183(3)(f), Florida Statutes.

2. Southern Bell has appended to this Request for Confidential Classification as Attachment A a listing showing the location in the

DOCUMENT NUMBER-DATE

11120 OCT 15 88

FFCC-RECORDS/REPORTING

Interrogatory responses of the information designated by Southern Bell as confidential.

3. Appended hereto in an envelope designated as Attachment B are two edited copies of the Interrogatory responses with the confidential information deleted.

4. Attached as Attachment C is a sealed package containing copies of the documents with the material which is confidential and proprietary highlighted. Copies of Attachment C are not being served on the other parties in this proceeding.

5. Regarding Southern Bell's responses to Interrogatory Item Nos. 199(a) and (f), these responses contain the identities of disciplined employees. Southern Bell seeks confidential treatment only of the specific identities of the employees whose names appear in the Companies' responses to Interrogatory Item Nos. 199(a) and (f) as being disciplined. This information is clearly confidential and proprietary under Florida Statutes, § 364.183(f), which provides that "proprietary confidential business information" includes "employee personnel information unrelated to compensation, duties, qualifications, or responsibilities."

6. The four areas of employee personnel information that are not confidential pursuant to § 364.183(f), Florida Statutes, are compensation, duties, qualifications, and responsibilities of an employee. Employee discipline does not fit any of the exceptions and thus is confidential under § 364.183(f), Florida Statutes.

7. A review of these terms, in the context of § 364.183(f), Florida Statutes, reveals their meaning. "Compensation" is the amount of money or other value that an employee is paid to perform

his or her job duties. "Duties" are the particular acts an employee is expected to perform as a part of his or her job. "Qualifications" are the skills, knowledge, and abilities needed to perform a particular job. Finally, "responsibilities" are those things that an employee is obliged to do as part of his or her job. These meanings are confirmed by the dictionary definition of these words. Webster's definitions of these terms are as follows:

- A. Compensation - payment, wages.
- B. Duty - the action required by one's position or occupation.
- C. Qualification - something that qualifies; a condition that must be complied with.
- D. Responsibility - the quality or state of being responsible.

Webster's Seventh New Collegiate Dictionary, 1970. A reading of these commonly-understood definitions makes it clear that the disciplining of an employee is not encompassed within any of the concepts of definitions set forth above.

8. The names of the employees who have been disciplined, therefore, do not relate to their compensation, duties, qualifications, or responsibilities. Instead, the name of an employee who has been disciplined is a personnel-related matter, the disclosure of which would be highly damaging to the reputation of the employee in the community at large. Certainly § 364.183, Florida Statutes, was not intended to require such disclosure.

9. Section 364.183(3) Florida Statutes, provides that in addition to the specifically identified types of documents that are confidential, such as those enumerated in subsection (f), any document that, if disclosed, "would cause harm to the ratepayers or

the person's or company's business operations... is also entitled to protection." As will be shown hereafter, the potential for harm to Southern Bell's business operations that would result from public disclosure of the subject information is substantial.

10. The discipline applied to the employees shown in the Company's response to Item Nos. 199(a) and (f) was the result of Southern Bell's internal investigation of such matters. The level of any disciplinary action that was taken was based upon the magnitude of the actions of the particular employees in question. It was never contemplated by either the Company or the individuals involved that there would be a subsequent public disclosure that would subject the disciplined employees to the additional punishment of public opprobrium and scorn. In effect, any public disclosure of the names of the disciplined employees would convert internal discipline into an inappropriate and inflammatory "public shaming" of these employees.

11. The public disclosure of the names of disciplined employees would have a significantly deleterious effect on morale that, in turn, would serve as a practical impediment to the functioning of the Company. Those who cooperate with the efforts of the company to address employment-related labor issues do so on the well-founded assumption that the information will be handled discreetly, appropriately, and that it will result in discipline that is warranted. If Southern Bell is now forced to reveal publicly the names of the employees disciplined, then these employees will no doubt feel that their good faith efforts to address any problems that may have occurred have been betrayed. It is easy to see how this

sense of betrayal could result in morale problems that would be both widespread and severe.

12. Moreover, public disclosure could well result not only in general morale problems, but also in a general employee wariness and concern that would make future attempts to remedy internal business-related issues far more difficult. Southern Bell can only effectively investigate its internal business affairs with the cooperation of its employees. In this case, the exposure of disciplined employees to the additional ordeal of public ridicule, could likely lead to a diminished capability of the Company to police its internal business matters.

13. Further, the managers of Southern Bell who are charged with the duty of administering employee discipline will unquestionably be hesitant to do so if they know that any employee disciplined for even the most minor infraction may later have that discipline disclosed and widely published.

14. Finally, to reveal this information publicly would serve no purpose whatsoever. Arguably, if disclosure of the identities of these employees served some public purpose, or if this disclosure were necessary for this Commission to deal thoroughly with the issues of this docket, then a balancing test might be necessary. That is, the Commission would need to balance the benefits to be derived from public disclosure against the detriment to the Company and the employees. In this case, however, public disclosure will result in no benefit whatsoever.

15. This Commission can fully consider all issues pertinent to this docket, based on the information that Southern Bell has

provided, which includes the names of employees disciplined. It is only the public disclosure of these employees' names that Southern Bell seeks to prevent. Southern Bell has stated previously that it does not object to public disclosure of the extent of the employee discipline, the type of discipline, and the number of persons disciplined. There simply is nothing to be gained by the additional public disclosure of the identities of the particular persons disciplined. Florida Statutes § 364.183(f) clearly provides that the names of these employees should be kept confidential. In addition, § 364.183(3) provides additional support for the conclusion that this information, which if publicly disclosed could harm the Company and individuals in the Company, should not be publicly disclosed. To hold otherwise will do nothing more than damage, perhaps irreparably, the reputations of individual Southern Bell employees and expose them personally to public ridicule.

16. Southern Bell has treated and intends to continue to treat the material for which confidential classification is sought as private, and this information has not been generally disclosed.

WHEREFORE, based on the foregoing, Southern Bell moves the Prehearing Officer to enter an order declaring the information described above and contained in the indicated portions of the attachments to be confidential proprietary business information, and thus not subject to public disclosure.

Respectfully submitted this 15th day of October, 1993.

SOUTHERN BELL TELEPHONE
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CERTIFICATE OF SERVICE

Docket No. 920260-TL

Docket No. 900960-TL

Docket No. 910163-TL

Docket No. 910727-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 15th day of October, 1993 to:

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FPSC DOCKET 910163-TL
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY
REQUEST FOR CONFIDENTIAL CLASSIFICATION

STAFF'S 12TH SET OF INTERROGATORIES

JUSTIFICATION FOR CONFIDENTIALITY REQUEST

1. This information is employee personnel information unrelated to compensation, duties, qualifications and responsibilities. As such, this information is confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from the requirement of public disclosure of Section 119.07, Florida Statutes.

The following information identified by page and line numbers is considered confidential and proprietary:

<u>INTERROGATORY ITEM NO.</u>	<u>PAGE No.</u>	<u>Line Nos.</u>	<u>Columns</u>	<u>Reason Proprietary</u>
199 (a)	2	17 - 20		1
199 (f) ATTACHMENT A	1	8 - 55	A & B	1