

NANCY B. WHITE
General Attorney

Southern Bell Telephone
and Telegraph Company
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(404) 529-5387

December 1, 1993

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

RE: Docket No. 920260-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Request for Confidential Classification and Motion for a Permanent Protective Order. 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,

Nancy B. White
Nancy B. White

Enclosures

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

RECEIVED & FILED

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12854 DEC-18

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate) Docket No. 920260-TL
Stabilization Plan of Southern)
Bell Telephone and Telegraph) Filed: December 1, 1993
Company)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR A PERMANENT PROTECTIVE ORDER

COMES NOW, BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to Rule 25-22.006, Florida Administrative Code, and Rules 1.280(c), Florida Rules of Civil Procedure, and files its Request for Confidential Classification and Motion for a Permanent Protective Order regarding portions of and exhibits attached to the testimony of Kimberly Dismukes, witness for the Office of Public Counsel ("Public Counsel") filed on November 8, 1993 in the above-captioned docket. In support of its Request and Motion, Southern Bell shows the following:

1. During the course of this proceeding, Public Counsel has conducted extensive discovery of Southern Bell. Documents have been delivered to Public Counsel in response to Public Counsel's requests for production of documents and interrogatories. Those documents were the subject of Motions for a Temporary Protective Order filed herein and consequently are currently treated by Public Counsel as confidential materials.

2. Public Counsel has used certain documents and information in this proceeding as part of the testimony and exhibits of Public Counsel's witness, Kimberly Dismukes.

Therefore, Southern Bell herewith files its Request for

DOCUMENT NUMBER-DATE

12854 DEC-18

FPSC-RECORDS/REPORTING

Confidential Classification and its Motion for Permanent Protective Order for the information contained in the testimony and exhibits of the witness for Public Counsel. Southern Bell has appended to this Request for Confidential Classification as Attachment "A" a listing of the location in the documents of the information designated by Southern Bell as confidential, together with a statement indicating why the material should be treated as confidential proprietary business information.

3. Appended hereto in an envelope designated as Attachment "B" are two copies of the documents with the confidential information deleted. Appended hereto in an envelope designated as Attachment "C" is a copy of the documents with the proprietary information highlighted.

4. The information deemed to be confidential by Southern Bell and identified in Attachment "A" contains several categories of proprietary information, each of which will be discussed herein.

5. The first category of information sought to be protected reflects contractual and/or lease information negotiated by BellSouth Corporation with unregulated affiliated and/or nonaffiliated companies. Section 364.183(3)(d) provides that information concerning contractual data, "the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms" is classified as proprietary confidential business information which is exempt from Florida Statutes, 119.07.

6. The information contained therein concerns the leasing of office space in downtown Atlanta, as well as other areas, and the details of specific provisions of these leases. The commercial leasing arena is highly competitive and disclosure of this information would impair the Company's ability to obtain the best prices and the best terms.

7. The second category of information sought to be protected concerns information relating to the practices and procedures used by Southern Bell's external auditors. This information is entitled to confidential classification on the basis that such auditing plans and procedures of external auditors constitute proprietary work product of such firm. These practices, procedures and audit strategies are internally developed by Southern Bell's external auditors, are unique to that firm and collectively represent the firm's audit program. Such information relates to the external auditor's competitive accounting practices and procedures employed to provide its services to clients. Consequently, this is information relating to such competitive interests, the disclosure of which would harm the external auditor's competitive business if publicly disclosed. This Commission has previously held that such audit strategy and work program information is entitled to confidential classification. Order No. 25297, issued November 5, 1991 in Docket No. 890190-TL; affirmed in Order No. PSC-92-0135-FOF-TL, issued March 31, 1992; and Order No. PSC-93-1062-CFO-TL, issued September 21, 1993.

8. The third category of information sought to be protected contains information relating to non-regulated services. This information is entitled to confidential classification on the basis that it is information relating to competitive interests, the disclosure of which would impair Southern Bell's competitive business. Section 364.183(3)(e) specifically includes this information as proprietary confidential business information. Southern Bell's non-regulated products and services are provided in competitive environments subject to all the normal influences and sensitivities of such markets. Thus, proprietary information pertaining to the Company's competitive non-regulated services, or the services and products of its non-regulated affiliate companies, should be classified as confidential in order to prevent Southern Bell's or its affiliates' competitors from obtaining a competitive advantage as a result of gaining insights from access to such information.

9. The final category of information sought to be protected includes payments to legal firms and/or consulting firms hired by the Company to represent the Company in lawsuits either brought by or against the Company. This information is considered by Southern Bell to be proprietary confidential business information under Section 364.183(3), Florida Statutes inasmuch as disclosure of the information would cause harm to the Company's business operations. Release of this information could disclose to Southern Bell's adversaries in these lawsuits, the


settlement or general value of the case to Southern Bell by showing how much Southern Bell was willing to spend to defend or pursue the lawsuit. This would give a decidedly unfair advantage to Southern Bell's opponents in these lawsuits.

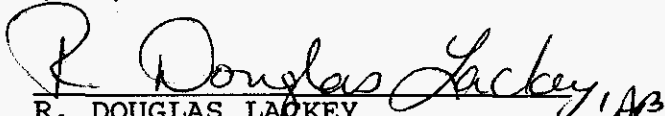
10. In accordance with Rule 25-22.006, Florida Administrative Code, the information for which confidential treatment is sought is intended to be and is treated by the Company as private and has not been disclosed on a non-confidential basis.

WHEREFORE, Southern Bell Telephone and Telegraph Company moves the Prehearing Officer to enter an Order declaring the information described above, and contained in the indicated portions of the attached exhibits, to be confidential proprietary business information and thus not subject to public disclosure.

Respectfully submitted this 1st day of December, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


HARRIS R. ANTHONY
c/o Marshall M. Criser, III
Suite 400
150 South Monroe Street
Tallahassee, Florida 32301
(305) 530-5555


R. DOUGLAS LACKEY
NANCY B. WHITE
4300 Southern Bell Center
675 West Peachtree Street, N.E.
Atlanta, Georgia 30375
(404) 529-5387

ATTACHMENT A

Request for Confidential Classification
Testimony of Kimberly Dismukes
FPSC Docket 920260-TL

Page 1 of 2

A. Reasons Information is Proprietary

1. This information reflects contractual and/or lease information negotiated by BSC with unregulated affiliated and/or nonaffiliated companies. Public disclosure of this information would impair the company's ability to contracts for goods and/or services on favorable terms. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.
2. This information relates to the audit strategy, controls, work programs and methodologies of external auditors, Coopers & Lybrand, to perform their audits of BellSouth. These audit strategies, controls, work programs and methodologies are internally developed by Coopers & Lybrand and represent Coopers & Lybrand's audit program. Public release of this information would cause competitive harm to Coopers & Lybrand. Making this information public would provide these strategies, controls, work programs and methodologies to others "free of charge". PSC-93-1062-CFO-TL, issued September 21, 1993 held that Coopers & Lybrand's audit program is confidential.
3. This information relates to Southern Bell's unregulated products and services, the disclosure of which would impair the competitive business and/or unregulated operations of Southern Bell. This includes information relating to the revenues, expenses or investment in these unregulated products and services. This information could be used by competitors to harm Southern Bell in its marketing of its unregulated products and services. As such, this information is classified as confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from the Open Records Act.
4. Some of the information reveals the payments and/or settlements made to legal firms and/or consulting firms related to contested cases which would bring harm to Southern Bell if publicly released. This information is treated as Proprietary and Confidential Business information by Southern Bell. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.

ATTACHMENT A

Request for Confidential Classification
Testimony of Kimberly Dismukes
FPSC Docket 920260-TL

Page 2 of 2

B. Location of Proprietary Information

| <u>Page #</u> | <u>Line/Column</u> | <u>Reason</u> |
|---------------|--|---------------|
| 66 | 5-13, 19-22 | 1 |
| 67 | 1,5,7,10,18 | 1 |
| 68 | 1, 14-16 | 1 |
| 73 | 5-8 | 1 |
| 78 | 12-16 | 2 |
| 86 | 16, 21, 22 | 3 |
| 87 | 1,11,12 | 3 |
| Schedule 11 | | |
| 1 | 9 All Amounts & Descriptions | 4 |
| 5 | 16,33,47,64 - All amounts & & descriptions | 4 |
| 6 | 9-12, 26-33, 73,74 - All amounts & descriptions | 4 |
| 7 | 12,13,18 - All amounts & descriptions | 4 |
| 8 | 29,30,39,49 - All amounts & descriptions | 4 |

ATTACHMENT "B"

Two copies of the document with the confidential information deleted.

ATTACHMENT "C"

One copy of the document with the material which is confidential and proprietary highlighted.

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 1st day of December, 1993 to:

Robin Norton
Division of Communications
Florida Public Service
Commission
101 East Gaines Street
Tallahassee, FL 32399-0866

Charles J. Beck
Deputy Public Counsel
Office of the Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Michael J. Henry
MCI Telecommunications Corp.
780 Johnson Ferry Road
Suite 700
Atlanta, Georgia 30342

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Grandoff & Reeves
315 South Calhoun Street
Suite 716
Tallahassee, FL 32301-1838
atty for FIXCA

Richard D. Melson
Hopping Boyd Green & Sams
Post Office Box 6526
Tallahassee, Florida 32314
atty for MCI

Kenneth A. Hoffman
Messer, Vickers, Caparello,
Madsen, Lewis & Metz, PA
Post Office Box 1876
Tallahassee, FL 32302
atty for FPTA

Rick Wright
Regulatory Analyst
Division of Audit and Finance
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0865

Michael W. Tye
AT&T Communications of the
Southern States, Inc.
106 East College Avenue
Suite 1410
Tallahassee, Florida 32301

Laura L. Wilson, Esq.
c/o Florida Cable Television
Association, Inc.
Post Office Box 10383
310 North Monroe Street
Tallahassee, FL 32302
atty for FCTA

Dan B. Hendrickson
Post Office Box 1201
Tallahassee, FL 32302
atty for FCAN

Chanthina R. Bryant
Sprint Communications Co.
Limited Partnership
3065 Cumberland Circle
Atlanta, GA 30339

Benjamin H. Dickens, Jr.
Blooston, Mordkofsky,
Jackson & Dickens
2120 L Street, N.W.
Washington, DC 20037
Atty for Fla Ad Hoc

C. Everett Boyd, Jr.
Ervin, Varn, Jacobs, Odom
& Ervin
305 South Gadsen Street
Post Office Drawer 1170
Tallahassee, Florida 32302
atty for Sprint

Florida Pay Telephone
Association, Inc.
c/o Mr. Lance C. Norris
President
Suite 710, Barnett Bank Bldg.
315 South Calhoun Street
Tallahassee, FL 32302

Monte Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd., #128
Tampa, FL 33609

Donald L. Bell, Esq.
104 East Third Avenue
Tallahassee, FL 32303
Atty for AARP

Angela Green
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Gerald B. Curington
Department of Legal Affairs
Room 1603, The Capitol
Tallahassee, FL 32399-1050

Mr. Douglas S. Metcalf
Communications Consultants,
Inc.
631 S. Orlando Ave., Suite 250
P. O. Box 1148
Winter Park, FL 32790-1148

Mr. Cecil O. Simpson, Jr.
General Attorney
Mr. Peter Q. Nyce, Jr.
General Attorney
Regulatory Law Office
Office of the Judge
Advocate General
Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

Mr. Michael Fannon
Cellular One
2735 Capital Circle, NE
Tallahassee, FL 32308

Floyd R. Self, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
Post Office Box 1876
Tallahassee, FL 32302-1876
Attys for McCaw Cellular

Stan Greer
Division of Communications
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Nancy B. White, ASB