

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation to deter-) DOCKET NO. 920255-TL
mine whether local exchange) ORDER NO. PSC-96-0063-CFO-TL
company pay telephone service) ISSUED: January 12, 1996
(LEC PATS) is competitive and)
whether LEC PATS should be)
regulated differently than it is)
currently regulated.)

ORDER GRANTING, IN PART, AND DENYING,
IN PART, REQUESTS FOR EXTENSION
OF CONFIDENTIAL CLASSIFICATION

Under Chapter 119, Florida Statutes, documents submitted to state, county, and municipal governments are public records. The only exceptions are specific statutory exemptions and exemptions granted by governmental agencies pursuant to specific statutory provisions. Pursuant to Section 364.183, Florida Statutes, certain types of proprietary, confidential business information may be held exempt from the public records law, upon a showing by the owner of the information, and a finding by the Commission, that public disclosure of the information would harm either the owner of the information or its customers. Under Section 364.183(4), Florida Statutes, any confidentiality granted by the Commission expires after eighteen months in the absence of a renewed request.

By Order No. PSC-93-1279-CFO-TL, this Prehearing Officer granted, in part, and denied, in part, requests by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) for confidential classification of portions of Documents Nos. 09522-92, 10440-92, 10441-92, and 11251-92. By Order No. PSC-93-1280-CFO-TL, this Prehearing Officer granted, in part, and denied, in part, requests by Southern Bell for confidential classification of portions of Documents Nos. 07624-92, 10523-92, 10814-92, and 11781-92.

On March 1, 1995, Southern Bell renewed its requests for confidential classification of those portions of Documents Nos. 09522-92, 10440-92, 10441-92, 11251-92, 10523-92, 10814-92, and 11781-92, for which confidentiality had been granted. It also requested renewed confidential classification for Document No. 10813-92; however, that document is merely Southern Bell's request for confidential classification of Document No. 10814-92, and was never classified as confidential.

DOCUMENT NUMBER-DATE

00395 JAN 12 88

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Although it appears that some of the subject information may be growing stale with the passage of time, it also appears that some of the information, if publicly disclosed, could harm Southern Bell's competitive interests. Accordingly, its request for renewal of confidential classification is approved, except with regard to Document No. 10813-92, and Orders Nos. PSC-930-1279-CFO-TL and PSC-93-1280-CFO-TL remain in full force and effect.

It is, therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the requests by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for the extension of confidential classification for portions of Documents Nos. 09522-92, 10440-92, 10441-92, 11251-92, 10523-92, 10814-92, and 11781-92, are granted. It is further

ORDERED that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for extension of confidential classification for Document No. 10813-92 is denied. It is further

ORDERED that, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidential classification granted for portions of the documents specified herein shall expire eighteen (18) months from the date of this Order in the absence of a renewed request for confidential classification. It is further

ORDERED that this Order shall constitute the only notice to BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company concerning the expiration of confidential classification.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 12th day of January, 1996.



J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)
RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.