

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Supra
Telecommunications & Information
Systems against BellSouth
Telecommunications, Inc. for
violation of the
Telecommunications Act of 1996;
petition for resolution of
disputes as to implementation
and interpretation of
interconnection, resale and
collocation agreements; and
petition for emergency relief.

DOCKET NO. 980119-TP
ORDER NO. PSC-98-0523-CFO-TP
ISSUED: April 16, 1998

ORDER GRANTING REQUESTS FOR CONFIDENTIAL
TREATMENT OF DOCUMENT NOS. 03520-98, 03521-98,
04088-98, AND 04089-98

On January 23, 1998, Supra Telecommunications and Information Systems, Inc. (Supra) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) for alleged violations of the Telecommunications Act of 1996 (Act) and Petition for resolution of certain disputes between BellSouth and Supra regarding interpretation of the Interconnection, Resale, and Collocation Agreements between Supra and BellSouth (Petition). Supra also requested relief on an emergency basis. On February 16, 1998, BellSouth filed its Answer and Response to Supra's Petition. This matter has been set for hearing on April 30, 1998.

On March 25, 1998, Supra filed a request for confidential classification of Exhibits OAR-4, OAR-5, OAR-7 and OAR-8 attached to the Direct Testimony of Olukayode A. Ramos, and Exhibits BH-1, BH-2, BH-5, BH-6, BH-7, BH-8, BH-9, and BH-10 attached to the Direct Testimony Bradford Hamilton, Document Nos. 03520-98 and 03521-98. Supra asserts that this information is customer specific and that it treats this information as confidential information in accordance with Section 364.24, Florida Statutes. Thus, Supra argues that this information should be granted confidential treatment pursuant to Section 364.183, Florida Statutes.

On April 9, 1998, Supra filed a request for confidential classification of exhibits BH-11, BH-12, BH-13, and BH-14 attached to the amended Direct Testimony of Bradford Hamilton, and of

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portions of page 39 of the amended Direct Testimony of Olukayode A. Ramos, Document Nos. 04088-98 and 04089-98. Supra asserts that the information contained in these documents is customer specific, which it treats as confidential in accordance with Section 364.24, Florida Statutes. Supra asks, therefore, that this information be accorded confidential classification pursuant to Section 364.183, Florida Statutes.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Specifically, with regard to Document Nos. 03520-98 and 03521-98, Supra seeks confidential treatment of Page 1 of Exhibit OAR-4 for all customer specific information, pages 2 - 11 of Exhibit OAR-5 for the columns of customer telephone numbers, pages 1, 3, 5, 7, 9, and 13 of Exhibit OAR-7 for the customer names, phone numbers, and addresses, and pages 1 - 29 of Exhibit OAR-8 for the customer phone numbers. Supra also seeks confidential treatment of page 1 of Exhibit BH-1 for the customer name and address, page 2 of Exhibit BH-2 for the customer name and phone numbers, page 2 of Exhibit BH-5 for the customer names and phone number, page 1 of Exhibit BH-6 for the customer names and phone numbers, and page 1 of Exhibits BH-7 through BH-10 for the customer names and phone numbers.

As for Document Nos. 04088-98 and 04089-98, Supra seeks confidential treatment of pages 1 - 5 of Exhibit BH-11, pages 1 - 10 of Exhibit BH-12, page 2 of Exhibit BH-13, and pages 1, and 3 - 9 of Exhibit BH-14. In each of these exhibits, Supra seeks confidential treatment of the customer name, phone numbers, address, and account information. On page 39 of Olukayode A. Ramos's Amended Direct Testimony, Supra seeks confidential treatment of the information regarding a Supra and BellSouth customer on lines 10, 11, and 19 of page 39.

Supra argues that this information is entitled to confidential treatment because it is customer specific information. Supra asserts that it is required to keep this information confidential pursuant to Section 364.24, Florida Statutes. Thus, Supra argues that this information should be exempt from Chapter 119, Florida Statutes.

In accordance with Section 364.24, Florida Statutes, a telecommunications company is prohibited from disclosing customer account records. Furthermore, Section 364.24, Florida Statutes, states that "Nothing herein precludes disclosure of customers' names, addresses, or telephone numbers to the extent they are otherwise publicly available." Although the information for which Supra seeks confidential treatment is the names, addresses, and phone numbers of customers, this information is contained within the context of account and service information; thus, revealing the customers' personal information would also reveal the customers' account information. As such, it appears that the information for which Supra seeks confidential treatment is information that telecommunications companies are required to keep confidential in accordance with Section 364.24, Florida Statutes.

Section 364.183(3), Florida Statutes, states that proprietary confidential business information is information that

. . . is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the information for which Supra seeks confidential classification is information that, if disclosed, would cause harm to the company or its ratepayers because disclosure would violate Section 364.24, Florida Statutes. Thus, this information qualifies as proprietary business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. It shall, therefore, be granted confidential treatment in accordance with those provisions.

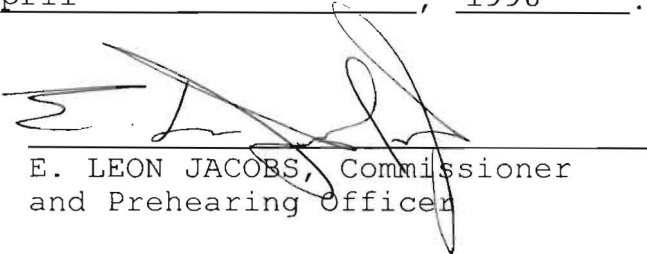
Based on the foregoing, it is therefore

ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that Supra Telecommunications and Information Systems, Inc.'s request for confidential classification of Document Nos. 03520-98, 03521-98, 04088-98 and 04089-98 is hereby granted. It is further

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

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner E. Leon Jacobs, as Prehearing Officer, this 16th day of April, 1998.



E. LEON JACOBS, Commissioner
and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

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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.