

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff by SOUTHERN BELL ) DOCKET NO. 881257-TL  
TELEPHONE AND TELEGRAPH COMPANY to intro- )  
duce new features for Digital ESSX Service ) ORDER NO. 24256  
and to provide structural changes for both )  
ESSX Service and Digital ESSX Service ) ISSUED: 3/20/91  
)

ORDER GRANTING PARTIAL RECONSIDERATION  
OF ORDER NO. 23723

On April 3, 1989, the Commission staff requested Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) to supply cost information regarding the provision of ESSX service, private branch exchange (PBX) trunks, and other PBX-related services. ESSX is Southern Bell's trademark name for a local exchange company (LEC) offering generically known as Centrex. Southern Bell provided the data and on July 18, 1989, pursuant to Rule 25-22.006, Florida Administrative Code, requested specified confidential classification for its costs to provide ESSX service and certain PBX-related services such as Touchtone and Direct Inward Dialing (DID). On August 14, 1989, AT&T Information Systems, Inc. (ATT-IS) filed its Request for Determination of Non-Confidentiality (Request) pursuant to Rule 25-22.006(6).

By Order No. 23723, issued November 5, 1990, we denied Southern Bell's Request for Specified Confidential Classification in its entirety. On November 15, 1990, Southern Bell filed a Motion for Reconsideration of Order No. 23723 (Motion).

Southern Bell is not seeking reconsideration of Order No. 23723 as it relates to the Company's cost to provide Touchtone service, DID service, or ESSX loops. Rather, Southern Bell asserts that all other ESSX costs are highly proprietary and should not be made public. As grounds for this request, Southern Bell states that ESSX service directly competes with PBX and key systems. Southern Bell's Motion points out that this was recognized in both the staff recommendation for the November 6, 1990, Agenda Conference (reflected in Order No. 23872) and in ATT-IS' Request. In this vein, Southern Bell asserts that making such information public would provide its competitors a significant advantage in that they would know, with almost complete certainty, what a bid would have to be in order to win a contract. Southern Bell's ratepayers would be harmed by the subsequent loss of contracts resulting from such knowledge. Southern Bell further asserts that similar cost information is closely guarded from disclosure by its competitors, just as Southern Bell itself protects such information.

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The purpose of a motion for reconsideration is to bring to the attention of the tribunal some point which it overlooked or failed to consider when it originally rendered its order. Diamond Cab Co. v. King, 146 So.2d 889 (Fla. 1962). In reviewing Order No. 23723, we see that while we denied confidentiality for ESSX loop costs, Touchtone costs, and DID costs, we never explicitly ruled on the question of all other remaining ESSX cost elements. We note that ATT-IS did not dispute that these remaining cost elements were entitled to specified confidential treatment.

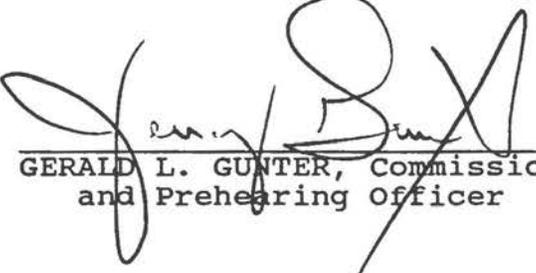
Upon consideration of the arguments advanced by Southern Bell, we find it appropriate to grant specified confidential classification to the remaining ESSX cost elements. Accordingly, Southern Bell's Motion for Reconsideration shall be granted.

Based on the foregoing, it is

ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's Motion for Reconsideration of Order No. 23723, filed November 15, 1990, is hereby granted to the extent and for the reasons set forth herein. It is further

ORDERED that this docket is hereby closed in accordance with the directive contained in Order No. 23872, issued December 13, 1990.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 20th day of MARCH, 1991.

  
GERALD L. GUNTER, Commissioner  
and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(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 sewer 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.