

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Citizens of the State of Florida to investigate SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY's cost allocation procedures )  
 ) DOCKET NO. 890190-TL  
 ) ORDER NO. 24292  
 ) ISSUED: 3/27/91

ORDER DENYING CONFIDENTIAL TREATMENT  
OF DOCUMENT NUMBER 2680-91

In its March 18, 1991, Request for Confidential Classification and Motion for a Permanent Protective Order, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) argues that portions of the rebuttal testimony, and attachments, of its witness, Richard P. Klein, are entitled to confidential treatment. The information in question has been assigned Document Number 2680-91 by this Commission. The Company asserts that it maintains the confidentiality of the information. Specifically, the Company argues that the following material is entitled to confidential treatment:

<u>Document</u>	<u>Page #</u>	<u>Line #(s)</u>	<u>Col.(s)</u>
Klein Rebuttal Testimony	10	2	
	10	23	
	11	14	
	11	15	
SCHEDULE RPK-3	12	13, 14	A, B, C
SCHEDULE RPK-4	13	12, 13	A, B, C
	13	24	F, G, H

The Company asserts that this information relates to competitive interests and/or unregulated operations, the disclosure of which would impair its competitive business and/or unregulated operations. Thus, the Company argues, this information should be classified as confidential business information pursuant to Section 364.183, Florida Statutes, and be held exempt from the Open Records Act.

On March 25, 1991, the Office of Public Counsel (OPC) filed its Opposition to Southern Bell's Motion for a Permanent Protective Order. OPC argues that Southern Bell's Motion should be denied because it is conclusory and because it fails to address how disclosure of the information would impair the Company's competitive business.

DOCUMENT NUMBER-DATE

02999 MAR 27 1991

PSC-RECORDS/REPORTING

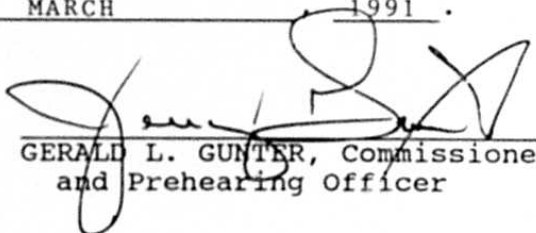
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After reviewing the material and the arguments propounded by the Company and OPC, we find that this material has been previously released in F.C.C. ARMIS Report 43-03. Thus, we find that it is not entitled confidential treatment under the Florida Statutes.

Therefore, based upon the foregoing, it is

ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that Southern Bell's Request for Confidential Classification and Motion for Permanent Protective Order for Document No. 2680-91 is denied.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 27th day of MARCH, 1991.



GERALD L. GUNTER, Commissioner  
and Prehearing Officer

( S E A L )

CWM

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

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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.