

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of ) DOCKET NO. 920260-TL  
the revenue requirements and )  
rate stabilization plan of )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY. )  
)  
In Re: Show cause proceedings ) DOCKET NO. 900960-TL  
against SOUTHERN BELL TELEPHONE )  
AND TELEGRAPH COMPANY for )  
misbilling customers. )  
)  
In Re: Petition on behalf of ) DOCKET NO. 910163-TL  
Citizens of the State of Florida )  
to initiate investigation into )  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S repair service )  
activities and reports. )  
)  
In Re: Investigation into ) DOCKET NO. 910727-TL  
SOUTHERN BELL TELEPHONE AND ) ORDER NO. PSC-93-0411-CFO-TL  
TELEGRAPH COMPANY's compliance ) ISSUED: 03/17/93  
with Rule 25-4.110(2), F.A.C., )  
Rebates. )  
)

ORDER DENYING REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NO. 14757-92

On December 21, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification of specified information contained in its Supplemental Response to Staff's Interrogatory No. 371. The Response has been assigned Document No. 14757 by the Commission.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. This law derives from the concept that government should operate in the "sunshine." The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Accordingly, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, it is the

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Company's burden to show that the material submitted is qualified for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set forth in Section 364.183 or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

To this end, Southern Bell asserts that the material contains the numerical distribution of its intraLATA toll messages by mileage band, broken down by business, residence, public and "other" categories. The Company asserts that disclosure of the information would reveal usage patterns for certain classes of the Company's customers and the representative mileage for intraLATA calls made by these customer classes. Southern Bell contends that the intraLATA market is competitive and that armed with this information its competitors could selectively target marketing strategies to appeal to key customer bases, thereby depriving Southern Bell of similar business opportunities. The Company contends that this would impair its ability to compete in the intraLATA toll market and that, therefore, the material at issue is entitled to confidential classification pursuant to Section 364.183(3)(e), Florida Statutes.

Upon review, the material at issue is found to include neither route specific data nor market specific data. The aggregate toll usage data by mileage band and customer classification is found not to be useful for targeting any specific market niche. Therefore, disclosure will not impair the ability of the Company to compete in the intraLATA toll market. Thus, it does not qualify as proprietary confidential business information pursuant to Section 364.183 (3)(e). Accordingly, the Company's Request for Confidential Classification of Document No. 14757-92 is denied.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's Request for Confidential Classification of Document No. 14757-92 is denied. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of

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issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. 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 the Florida Public Service Commission, this 17th  
day of March, 1993.

  
SUSAN F. CLARK, Commissioner  
and Prehearing Officer

( S E A L )

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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,

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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.