

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by Alachua) DOCKET NO. 921267-TL
County Board of County) ORDER NO. PSC-93-1114-CFO-TL
Commissioners for extended area) ISSUED: August 2, 1993
service (EAS) throughout Alachua)
County)
_____)

ORDER GRANTING REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 04804-93

On May 3, 1993, 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 for material provided in its Traffic Study produced in response to Order No. PSC-93-0163-PCO-TL. The Response has been assigned Document No. 04804-93 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 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, the Company asserts that the material includes interLATA traffic data for relevant toll routes received from AT&T pursuant to nondisclosure agreements. The Company asserts that this information indicates which routes at issue in this case contain the most concentrated traffic. The Company maintains that disclosure of such traffic patterns to the public would harm the competitiveness of AT&T and ultimately impede Southern Bell's access to such information. The Company also maintains that without accurate traffic data from interexchange carriers, it would be severely hampered in its efforts to plan its network deployment, particularly with regard to situations where expansion may be needed.

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Southern Bell also asserts that the material contains information that, if made public, would diminish the Company's intraLATA competitiveness. Southern Bell maintains that it has treated this material as proprietary business information. Southern Bell asserts that if this material were made public, competitors would be able to use it to target more profitable routes.

Upon consideration, therefore, the material should be classified as proprietary confidential business information pursuant to Section 364.183(3)(a),(e), Florida Statutes. Accordingly, the Company's Request for Confidential Classification of Document No. 04804-93 is granted. Attached to this order is a chart which sets forth the specific information for which confidentiality is requested and the justification for that request.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Document No. 04803-93 shall be treated as confidential business information pursuant to Section 364.183(3)(a)(e), Florida Statutes. 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 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.

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By ORDER of Commissioner Susan F. Clark, as Prehearing
Officer, this 2nd day of August, 1993.


SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)
JKA

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.

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