

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In Re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL. |) | DOCKET NO. 920260-TL |
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| In Re: Investigation into the integrity of SOUTHERN BELL'S repair service activities and reports. |) | DOCKET NO. 910163-TL |
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| In Re: Investigation into SOUTHERN BELL'S compliance with Rule 25-4.110(2), F.A.C., Rebates. |) | DOCKET NO. 910727-TL |
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| In Re: Show cause proceeding against SOUTHERN BELL for misbilling customers. |) | DOCKET NO. 900960-TL |
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| In Re: Request by Broward Board of County Commissioners for extended area service between Ft. Lauderdale, Hollywood, North Dade and Miami. |) | DOCKET NO. 911034-TL ORDER NO. PSC-93-1818-CFO-TL ISSUED: December 22, 1993 |
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ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 10286-93

On August 18, 1993, the Staff of this Commission served its Thirty-Fourth Set of Interrogatories and Twenty-Fifth Request for Production of Documents (PODs) upon BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company). On September 22, 1993, Southern Bell served its responses to these discovery requests, along with a request for confidential classification of certain portions of its responses to Interrogatories Nos. 645(g) and (k), and POD No. 243. This information has been designated as Document No. 10286-93.

Under Section 119.01, Florida Statutes, all documents submitted to this Commission are public records. The only exceptions to this law are documents which are exempt pursuant to specific statutory terms or provisions. Moreover, under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the burden of demonstrating that materials qualify for confidential classification falls upon the person requesting such treatment.

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FPSC-RECORDS/REPORTING

According to Southern Bell, its request concerns two distinct types of information; marketing demand and cross-elasticity data for ESSX and inside wire services. Generally, Southern Bell argues that both are competitive services and that disclosure of the information would impair its competitive interests.

More specifically, Southern Bell argues that ESSX is provided in a highly competitive marketplace, with competition from both PBX and key systems providers. Under Southern Bell's tariff, it is allowed to offer ESSX at customer-specific prices in order to compete with other vendors. Southern Bell argues that, if its market demand and cross-elasticity analyses are made public, these alternative vendors "will know with almost complete certainty where and when to make bids . . . in order to win the contract." Moreover, Southern Bell argues that, since it does not have access to similar information from its competitors in this regard, public disclosure of the ESSX information would place it at a competitive disadvantage with respect to such competitors. Accordingly, Southern Bell argues that the information is confidential under Section 364.183(3)(a), Florida Statutes.

As for the inside wire information, Southern Bell argues that this service is also provided in a competitive marketplace. According to the Company, it faces competition from electrical contractors, cable television companies, and other wiring specialists. Southern Bell further argues that public disclosure of its market demand and cross-elasticity information for inside wire would give its competitors and potential competitors "a significant advantage in devising marketing and pricing strategies." Moreover, if disclosed, Southern Bell argues that "a competitor would gain the ability to determine trends and know exactly when and where it could most profitably enter this market." For these reasons, Southern Bell argues that the data is confidential under Section 364.183(3)(e), Florida Statutes.

Upon consideration, the materials are as described by Southern Bell. Accordingly, the Prehearing Officer finds that they are confidential pursuant to Section 364.183(3)(a), Florida Statutes.

It is, therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) for confidential classification of Document No. 10286-93 is granted. It is further

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ORDERED that, pursuant to Section 364.183(4), Florida Statutes, and Rule 25-22.006(8), Florida Administrative Code, any finding of confidentiality 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, 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 granted herein.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 22nd day of December, 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

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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.