

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by Levy) DOCKET NO. 930995-TL
County Commissioners for county-) ORDER NO. PSC-94-1542-CFO-TL
wide calling within Levy County) ISSUED: December 13, 1994
and extended area service (EAS))
from Chiefland and Cedar Key to)
Gainesville.)
_____)

ORDER GRANTING REQUEST FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 08401-94

By Resolution No. 23-20, filed by the Levy County Board of county Commissioners, this Commission was requested to consider county-wide calling within Levy County and implementation of extended area service (EAS) from Chiefland and Cedar Key to Gainesville. These exchanges are served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell), with the exception of the Williston exchange, which is served by United Telephone Company of Florida (United). All of these are located within the Gainesville LATA.

By Order No. PSC-93-0005-PCO-TL, issued November 1, 1993, we required Southern Bell and United to conduct traffic studies on these routes. In the Order Requiring Traffic Study, however, we inadvertently omitted certain routes. Thus, by Order No. PSC-94-0589-PCO-TL, issued May 19, 1994, we required Southern Bell and United to conduct traffic studies on the routes that were inadvertently omitted from the first traffic study.

On August 17, 1994, Southern Bell filed its traffic study, along with a Request for Specified Confidential Classification (Request) of certain portions of the traffic study data, as identified in Appendix "A" to this Order. The request has not been opposed by any party to this proceeding.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. 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.

Pursuant to the provisions of Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Southern Bell has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-

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22.006, Florida Administrative code, Southern Bell must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause Southern Bell or its ratepayers harm.

The information for which Southern Bell has requested specified confidential treatment consists of traffic data related to toll data usage over the various routes in this docket. The data indicate which routes at issue in this case contain the most concentrated traffic. According to Southern Bell, disclosure of this information would allow Southern Bell's competitors in the intraLATA toll market to target the most lucrative routes, thereby competitively harming the Company.

Southern Bell states that it maintains this information on a proprietary confidential basis so that Southern Bell may accurately plan its network deployment based on actual and perceived traffic demand over the respective toll routes.

Upon review, I find that the data identified in Appendix "A" to this Order is proprietary confidential business information pursuant to Section 364.183, Florida Statutes. As such, it shall be kept confidential and shall be exempt from Section 119.07(1), Florida Statutes.

Based on the foregoing, it is


ORDERED by Commissioner Julia L. Johnson, as Prehearing officer, that the Request for Specified Confidential Classification of the information identified in Appendix "A" to this Order, filed by BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company is hereby granted pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, for the reasons set forth herein. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, 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 Julia L. Johnson, as Prehearing Officer, this 13th day of December, 1994.



JULIA L. JOHNSON, 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 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.

APPENDIX "A"

INDEX OF CONFIDENTIAL INFORMATION CONTAINED IN
COMMISSION DOCUMENT NO. 8420-93

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