

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exemptions 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, the Company has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-22.006, Florida Administrative Code, the Company 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 the Company or its ratepayers harm.

The information for which Southern Bell has requested specified confidential treatment consists of information comprised of Southern Bell's intraLATA traffic which essentially provides a blueprint of the toll usage over these various routes. Southern Bell uses this information to plan its network deployment based on traffic demand over the respective toll route. According to Southern Bell, with the advent of intraLATA toll competition as of January 1, 1992, such data, if disclosed, would give other providers an unfair competitive advantage in that they would be able to determine the most profitable toll routes (those with the most concentrated traffic) and target their marketing efforts accordingly. Southern Bell argues that the resulting decrease in toll revenues would ultimately work to the detriment of its ratepayers.

Southern Bell states that the information for which confidential treatment is requested is intended to be and is treated as confidential by Southern Bell and has not been disclosed to the public.

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


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by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company is hereby granted 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 period.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 16th day of December, 1994.



JULIA L. JOHNSON, 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.

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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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APPENDIX "A"

INDEX OF CONFIDENTIAL INFORMATION CONTAINED IN
COMMISSION DOCUMENT NO. 10846-94

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