

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation to deter-) DOCKET NO. 920255-TL
mine whether LEC PATS is compet-) ORDER NO. PSC-93-1280-CFO-TL
itive and whether LEC PATS) ISSUED: September 2, 1993
should be regulated differently)
than it is currently regulated.)
_____)

ORDER ADDRESSING REQUESTS FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION OF DOCUMENTS
NUMBERS 7624-92, 10523-92, AND 11781-92
(REFILING OF 10814-92)

This Order addresses unopposed requests for specified confidential classification filed by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company). Southern Bell asserts generally that the material for which confidential classification is sought is intended to be and is treated by Southern Bell as private and has not been disclosed except pursuant to agreement to maintain confidentiality.

Under Section 119.01, Florida Statutes, documents submitted to governmental agencies are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant the specific terms of a statutory provision.

Pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the burden of proving that the materials qualify for specified confidential classification falls upon Southern Bell. According to Rule 25-22.006, Southern Bell must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 364.183, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the Company or its ratepayers harm.

Document No. 10523-92

On September 14, 1992, Southern Bell filed its Request for Confidential Treatment regarding Late-Filed Exhibit No. 7. This is filed as Commission Document No. 10523-92. Exhibit No. 7 is a spreadsheet cost study prepared by FPTA witness Scott Rafferty, utilizing Southern Bell's cost data. Southern Bell argues that the information consists of its costs and revenues for coin, coinless,

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and semi-public pay telephone service. Southern Bell has identified the following as confidential:

Line 1, columns 1-14
Line 2, columns 1-6, 9, 11-14
Line 3, columns 2-4, 6-9, 12-14
Line 4, columns 1-5, 10, 11-14
Line 5, columns 1-4, 12-14
Line 6, columns 2-4, 6-9, 11-14
Line 7, columns 2-4, 7-9, 12-14
Lines 8, 9, 15, and 16, columns 1-14
Line 20, columns 1-4, 6-9
Lines 22 and 23, columns 1-4, 6-9, 11-14

The Company argues that if such information were disclosed, its competitors would be able to determine its costs of providing public telephone service. This would be detrimental to Southern Bell's ability to compete for locations. The Company also argues that disclosure would impair its ability to contract for goods and services on favorable terms, and would give its competitors commercially valuable information not otherwise available in the marketplace. This type of information was granted confidential treatment in Order No. 24531, issued May 14, 1991 in Docket No. 860723-TP.

Upon review, I agree that the information identified above should be granted confidential treatment. Lines 1-10 represent annual revenues per pay telephone, broken down by the type of call (local sent-paid, intra-LATA operator assisted, interstate, etc.). Lines 15-23 represent annual costs per pay telephone, broken down by specific cost items. Disclosure of the above-referenced data could put the Company at a competitive disadvantage. Accordingly, the above-described information in Document No. 10523-92 shall be exempt from Section 119.07(1).

Document No. 11781-92

On September 17, 1992, Southern Bell filed a Notice of Intent to Request Specified Confidential Classification for certain information contained in Late-Filed Exhibit No. 8. This data is identified as Commission Document No. 10813-92. Subsequently, on October 8, 1992, the Company filed its Request for Specified Confidential Classification for Late-Filed Exhibit No. 8. This data is identified as Commission Document No. 11781-92. Document No. 11781-92 is cross-referenced to Document No. 10814-92 and is

identical to it. Southern Bell requests that the following information to be granted confidential treatment:

<u>Page</u>	<u>Title</u>	<u>Lines</u>
Pg 1	Profitability Analysis	1-6, 8-19
Pg 2	Pub & Semi Pub Study (Study) 6/21/90	5-10, 21-22, 26-29
Pg 3	Study 6/21/90	1-20
Pg 4	Study 6/21/90	5-11
Pg 5	Study 6/21/90	None
Pg 6	Study 6/21/90	None
Pg 7	Study 6/21/90	13-17, 24-25, 27-29, 39-42
Pg 8	Study 6/21/90	3-12, 18-29
Pg 9	Study 6/21/90	6, 8-11, 17-21, 29, 31, 33-36, 39-42
Pg 10	Study 6/21/90	4-13
Pg 11	Study 6/21/90	None
Pg 12	Study 6/21/90	3-7, 11-13, 16, 19, 22, 27-29, 32, 36-37
Pg 13	Study 2/22/92	5-13, 24-25, 29-32
Pg 14	Study 2/22/92	1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, 22-23, 25-26
Pg 15	Study 2/22/92	5-12, 16-23

<u>Page</u>	<u>Title</u>	<u>Lines</u>
Pg 16	Study 2/22/92	None
Pg 17	Study 2/22/92	None
Pg 18	Study 2/22/92	16-17, 19
Pg 19	Study 2/22/92	3-10, 18-25, 29
Pg 20	Study 2/22/92	6, 8-11, 17-21, 28, 30, 32-34, 36, 39-41
Pg 21	Study 2/22/92	4-11
Pg 22	Study 2/22/92	None
Pg 23	Study 2/22/92	3-5, 11-13, 16, 19, 22, 27-29
Pg 24	Study 2/22/92	4-7, 9-14
Pg 25	Study 2/22/92	4-12, 15-17, 20-22
Pg 26	Study 1/31/91	5-13, 24-25, 29-32
Pg 27	Study 1/31/91	1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, 22-23, 25-26
Pg 28	Study 1/31/91	5-12, 16-23
Pg 29	Study 1/31/91	None
Pg 30	Study 1/31/91	None
Pg 31	Study 1/31/91	16-17, 19, 27-28, 30-31, 35
Pg 32	Study 1/31/91	3-10, 18-25, 29

<u>Page</u>	<u>Title</u>	<u>Lines</u>
Pg 33	Study 1/31/91	6, 8-11, 17-21, 28, 30, 32-34, 36, 39-41
Pg 34	Study 1/31/91	4-11
Pg 35	Study 1/31/91	None
Pg 36	Study 1/31/91	3-5, 11-13, 16, 19, 22, 27-29
Pg 37	Study 1/31/91	4-7, 9-14
Pg 38	Study 1/31/91	4-12, 15-17, 20-22

Southern Bell argues that this information consists of the Company's costs and revenues for its coin, coinless, and semi-public telephone service. The Company further argues that if this information were disclosed, competitors would be able to determine Southern Bell's costs of providing public telephone service which would be detrimental to Southern Bell's ability to compete for locations, would impair its ability to contract for services on favorable terms, and would give its competitors commercially valuable information not otherwise available in the market.

I shall grant confidential treatment to the following information:

Pg 1 Lines 1-6, 8-19 represent costs and revenues.

Pg 2 Lines 5-10, 21-22, 26-29 represent the annual costs and revenues. This type of information was determined to be confidential in Order No. 24531.

Pg 3 Lines 1-20 consist of annual revenues per station. This type of information was granted confidential treatment in Order No. 24531.

- Pg 4 Lines 5-11 are calculations which divide the number of annual local calls and local revenues into sent-paid and non-sent paid calls and revenues. This type of information was granted confidential treatment in Order No. 24531.
- Pg 7 Lines 13-17, 24-25, 27-29, 39-42 are annual compensation costs per station and data relating to collections and counting costs per station. This type of information was granted confidential treatment in Order No. 24531.
- Pg 8 Lines 3-12, 18-29 represent figures relating to enclosure costs. This type of information was granted confidential treatment in Order No. 24531.
- Pg 9 Lines 3-12, 18-29 consist of the number of annual local calls per station, annual local minutes of use and local costs per station, annual intraLATA and interLATA minutes of use and costs per station, and annual number of operator-assisted calls and operator-assisted costs per station. This type of information was granted confidential treatment in Order No. 24531.
- Pg 10 Lines 4-13 are figures showing the percentage breakdown of enclosure types in use by Southern Bell. This type of information was granted confidential treatment in Order No. 24531.
- Pg 12 Lines 3-7, 11-13, 16, 19, 22, 27-29, 32, 36-37 are figures relating to revenues from pay telephones and include a reconciliation between two types of revenue reports. This type of information was granted confidential treatment in Order No. 24531.
- Pg 13 Lines 5-13, 24-25, 29-32, are the same type of information identified in page 2 but based on a 2/22/92 cost and revenue study.
- Pg 14 Lines 1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, 22-23, 25-26 are the same type of information identified in page 3, but based on a 2/22/92 cost and revenue study.

- Pg 15 Lines 5-12, 16-23 are the same type of information identified on page 4, plus annual intraLATA toll revenue separated by type of call.
- Pg 18 Lines 16-17 and 19 are annual compensation costs per station and data relating to collections and counting costs per station. This is the same type of information identified on page 7, but based on a 2/22/92 cost and revenue study.
- Pg 19 Lines 3-10, 18-25, 29 represent figures relating to enclosure costs. This is the same type of information identified on page 8, but based on a 2/22/92 cost and revenue study.
- Pg 20 Lines 6, 8-11, 17-21, 28, 30, 32-34, 36, 39-41 consist of the number of annual local calls per station, annual local minutes of use and local costs per station, annual intraLATA and interLATA minutes of use and costs per station, and annual number of operator-assisted calls and operator-assisted costs per station.
- Pg 21 Lines 4-11 are figures showing the percentage breakdown of enclosure types in use by Southern Bell. This is the same type of information found on page 10 which has been ruled confidential in Order No. 24531.
- Pg 23 Lines 3-5, 11-13, 16, 19, 22, 27-29 are the same information found on page 12 which was classified as confidential in Order No. 24531.
- Pg 24 Lines 4-7, 9-14 are a reconciliation of intraLATA toll calls and minutes for sent-paid and non-sent paid calls.
- Pg 25 Lines 4-12, 15-17, 20-22 represent reconfiguration of data that has previously been ruled confidential which provides separations calculations.
- Pg 26-38 Lines listed above - This represents the same type of information found in pages 2-12, except it is based on a 1/31/91 revenue/cost study.

I believe that the breakdown of this information could impact Southern Bell's ability to compete for locations. Disclosure of the above-referenced data could put the Company at a competitive disadvantage. Accordingly, the above-described information in Document No. 11781-92 is exempt from Section 119.07(1).

Document No. 7624-92

Finally, Document No. 7624-92 was filed as confidential by the Florida Pay Telephone Association, Inc. (FPTA). This document was attached to the testimony of witness Cresse and was admitted into the record during the hearing as a part of Exhibit No. 10. It is a spreadsheet analyzing data from Southern Bell's cost studies. FPTA made redactions to the document based upon the rulings contained in Order No. 24531. That same data is now being held to be confidential in my rulings on the other documents in this Order. That confidentiality should extend to the identical data where it appears in Document No. 7624-92. Accordingly, the following data in Document No. 7624-92 shall be exempt from Section 119.07(1):

Column 1 Public Coin Per Station; Lines 2, 3, 7, 9-11, 13, 14, 18, 19, 23-28, 30-39

Column 1 Public Coinless Per Station; Lines 3, 7, 13, 14, 18, 19, 28, 31-39

Column 2 Public Coin Per Station; Lines 13, 14, 31-36

Column 2 Public Coinless Per Station; Lines 13, 14, 36

Based on the foregoing, it is

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's Requests for Specified Confidential Classification of Documents Nos. 7624-92, 10523-92, and 11781-92 (refiling of 10814-92) are hereby granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the 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

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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 Chairman J. Terry Deason, as Prehearing Officer, this 2nd day of September, 1993.



J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)

ABG/AQP

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

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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.