

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show cause proceeding against)	DOCKET NO. 900960-TL
SOUTHERN BELL TELEPHONE AND TELEGRAPH)	ORDER NO. 24534
COMPANY for misbilling customers.)	ISSUED: 5/15/91
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ORDER GRANTING SPECIFIED CONFIDENTIAL
CLASSIFICATION TO DOCUMENTS NOS. 1918-91
THROUGH 1926-91

This Order addresses a request for specified confidential classification of specified materials identified by our Division of Records and Reporting as Documents Nos. 1918-91 through 1926-91 by Southern Bell Telephone and Telegraph Company (Southern Bell or the Company).

There is a presumption in the law of the State of Florida that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by the governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Therefore, it is this Commission's view that the burden to be met by one requesting specified confidential classification of documents submitted during a proceeding before us is very great.

Pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, it is the Company's burden to show that any material submitted to this Commission 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 out in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

On December 7, 1990, the Office of Public Counsel (OPC) served its Request for Production of Documents on Southern Bell requesting various documents regarding Southern Bell's investigation into its non-contact sales practices. Southern Bell provided the documents to OPC pursuant to its Motion for Temporary Protective Order filed on January 11, 1991. These documents included internal audits and audit working papers (internal audits). Subsequently, our Staff also requested these internal audits. The internal audits provided staff by Southern Bell include:

DOCUMENT NUMBER-DATE

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REC-RECORDS/REPORTING

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<u>Document No.</u>	<u>Description</u>
1918-91	Audit #113-02 Reaudit of 307-02 Titled: Marketing Incentive Salary Plan and Merit Awards
1919-91	Audit #204-04 Titled: Special Salaries, Wage Payments and Compensated Absences (1 of 2)
1920-91	Audit (204-04 Titled: Special Salaries, Wage Payments and Compensated Absences (2 of 2)
1921-91	Audit #503-01 Titled: Billing Quality
1922-91	Audit #F00-12-03-A-SF Titled: Sales, Installation and Billing of 800 Service, 1 of 4 (2, 3, and 4 not provided)
1923-91	Audit #104-16 Titled: Custom Calling Services
1924-91	Audit #F00-19-67 Titled: Non- Contact Sales (1 of 3)
1925-91	Audit #F00-19-67 Titled: Non- Contact Sales (2 of 3)
1926-91	Audit #F00-19-67 Titled: Non- Contact Sales (3 of 3)

Southern Bell requested that these internal audits be treated in toto as confidential proprietary information pursuant to Section 364.183(3)(b), Florida Statutes. Section 364.183(3)(b) provides that proprietary confidential information includes, but is not limited to, "internal auditing controls and reports of internal auditors."

Pursuant to Rule 25-22.006, Florida Administrative Code, Southern Bell provided the internal audits in a sealed envelope marked as Attachment "A" appended to its petition. Because Southern Bell requested all the information in the internal audits be accorded confidential treatment, it stated it believed it was not necessary to highlight or identify every line and page of attached edited copies.

Our review of the documents indicates that they are indeed internal company audits and audit work papers and therefore, do warrant confidential treatment under Section 364.183(3)(b), Florida Statutes.

Based on the foregoing, it is, therefore

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ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's request for specified confidential classification of the Documents Nos. 1918-91 through 1926-91 identified in the body of this Order is hereby granted.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 15th day of MAY, 1991.


THOMAS M. BEARD, Commissioner
and Prehearing Officer

(S E A L)

SFS

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 from the full Commission within 14 days pursuant to Rule 25-22.006(3), Florida Administrative Code, for rulings on confidentiality issued by a Prehearing Officer; 2) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, for any rulings on issues other than confidentiality if issued by a Prehearing Officer; 3) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 4) 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 sewer 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.