

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause proceeding against ) DOCKET NO. 900960-TL  
 SOUTHERN BELL TELEPHONE AND TELEGRAPH ) ORDER NO. 24766  
 COMPANY for misbilling customers. ) ISSUED: 7/8/91

ORDER GRANTING SOUTHERN BELL TELEPHONE  
 AND TELEGRAPH COMPANY'S AMENDED MOTION FOR  
 TEMPORARY PROTECTIVE ORDER

Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Motion for Temporary Protective Order dated January 11, 1991. The Company has requested that we issue an order granting temporary confidentiality, pursuant to Section 364.183, Florida Statutes, to documents requested by the Office of Public Counsel's (OPC) First Request for Production of Documents dated December 7, 1990.

Southern Bell's Motion for Temporary Protective Order asserts that throughout the documents contained in its responses to the above-noted items is material that falls within the statutory criteria for confidential treatment. Specifically, Southern Bell alleges the documents contain:

- "(a) Internal auditing controls and reports of internal auditors;
- (b) Security measures, systems or procedures;
- (c) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; and
- (d) Other information of a confidential, proprietary nature the disclosure of which will result in harm to the ratepayers or business operations of Southern Bell, BellSouth Corporation, BellSouth Services, Inc., and/or their respective affiliates."

Southern Bell requests that the Commission provide such materials and information protection from disclosure until OPC is able to complete its review. At the completion of its review, OPC will notify Southern Bell of the specific materials and information it intends to use in this proceeding. At that point, Southern Bell will request confidential classification of the materials and information which will be used at the hearing. By this method,

DOCUMENT NUMBER-DATE

06790 JUL -8 1991

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Southern Bell asserts that the discovery process will be made much more efficient and less time consuming which will benefit all parties.

While this motion for Temporary Protective Order was still pending, Southern Bell filed, on May 6, 1991, an amendment withdrawing the motion insofar as it relates to employee specific information other than employee social security numbers.

Upon review of the Company's Motion for Temporary Protective Order as Amended, we find that the documents that have been produced by Southern Bell are entitled to such temporary confidentiality as they contain information that may be entitled to confidential classification pursuant to Section 364.183, and our rules. Accordingly, we find it appropriate to grant Southern Bell's Motion for Temporary Protective Order as amended. This Temporary Protective Order shall expire September 1, 1991.

During the period this Temporary Protective Order is in effect, the Company shall have 30 days from the date OPC identifies any document that it intends to utilize in this proceeding in which to file for confidential classification for such documents.

Based on the foregoing, it is therefore,

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that the Motion for Temporary Protective Order as amended is hereby granted pursuant to our authority in Section 364.183, Florida Statutes, and Rule 25-22.006(5)(c), Florida Administrative Code. It is further

ORDERED that the documents received by the Office of Public Counsel from Southern Bell shall be kept confidential and be exempt from public disclosure under 119.07(1), Florida Statutes, for the duration of this Temporary Protective Order. It is further

ORDERED that when the Office of Public Counsel has completed its examination of the documents it shall identify for Southern Bell those that it intends to use in this proceeding hearing which are covered by this Temporary Protective Order. It is further

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ORDERED that Southern Bell shall then file any request for confidential classification that it intends to file for such documents within 30 days. It is further

ORDERED that this Temporary Protective Order shall expire on September 1, 1991. It is further

ORDERED that this Temporary Protective Order shall have no effect on the subsequent determination of any request for confidential classification of any of these materials and information.

By ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this 8th day of JULY, 1991.

  
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THOMAS M. BEARD, Chairman  
and Prehearing Officer

( S E A L )

SFS/JLH

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

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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 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.