

SIDNEY J. WHITE, JR.
General Attorney

Southern Bell Telephone
and Telegraph Company
Suite 400
150 South Monroe Street
Tallahassee, Florida 32301
(404) 529-5094

February 12, 1993

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

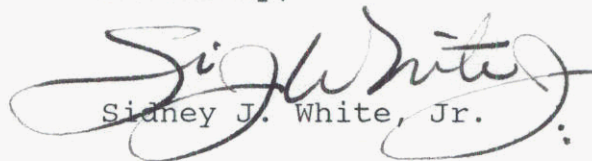
RE: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Request for Confidential Classification. Please file these documents in the above-captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

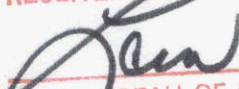

Sidney J. White, Jr.

Enclosures

cc: All Parties of Record
A. M. Lombardo
H. R. Anthony

!!p

RECEIVED & FILED


FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

01695 FEB 12 88

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail this 12th day of February, 1993 to:

Charles J. Beck
Assistant Public Counsel
Office of the Public Counsel
812 - 111 W. Madison Street
Tallahassee, FL 32399-1400

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

: A handwritten signature in cursive script, appearing to read "Tracy Hatch", written over a horizontal line. The signature is fluid and stylized, with a large loop at the end.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
Citizens of the State of Florida) Docket No. 910163-TL
to Initiate Investigation into)
Integrity of Southern Bell) Filed: February 12, 1993
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

COMES NOW, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files pursuant to Rule 25-22.006, Florida Administrative Division Code, its Request for Confidential Classification for certain information contained in documents produced in response to Staff's Twenty-Sixth Request for Production of Documents dated December 18, 1992.

1. On December 18, 1992, Staff served its Twenty-Sixth Request for Production of Documents on Southern Bell. Within that request, Request No. 1 sought certain employee-specific personnel information.

2. On January 22, 1993, Southern Bell filed its Notice of Intent to Request Confidential Classification with respect to documents to be produced in response to Request No. 1.

3. Southern Bell is now filing its Request for Confidential Classification for portions of documents responsive to Request No. 1 and produced for Staff which contain employee-specific information unrelated to compensation, duties, qualifications, or responsibilities.

4. Southern Bell has appended to this Request for Confidential Classification as Attachment A a listing showing the location in the

DOCUMENT NUMBER-DATE
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TECH-RECORDS/REPORTING

documents of the information designated by Southern Bell as confidential.

5. Appended hereto in a package designated as Attachment B are two edited copies of the documents with the confidential information deleted.

6. Attached as Attachment C is a sealed package containing copies of the documents with the material which is confidential and proprietary highlighted. Copies of Attachment C are not being served on the other parties in this proceeding.

7. The information contained in documents produced in response to Request No. 1 and identified as being proprietary confidential business information subject to this Request for Confidential Classification contains employee-specific personnel information unrelated to compensation, duties, qualifications, or responsibilities. Such information is specifically included in § 364.183(3)(f), Florida Statutes, as proprietary confidential business information exempt from the public inspection and examination provisions of § 119.07(1), Florida Statutes. These documents include records of personnel actions and procedures relating to employee activities that would fall outside normal and acceptable duties and responsibilities. Further, the documents do not relate to the employee's normal compensation or to any qualifications for employment. See also: Southern Bell's pending Request for Confidential Classification and Motion for Permanent Protective Order filed in this docket on September 9, 1992 ("Request and Motion"). Consequently, these documents consist of employee

information unrelated to normal compensation and qualifications or to the employee's defined duties and responsibilities. Id.

8. The documents or portions of documents, for which confidential classification is being sought obviously mention the facts surrounding any personnel-related actions that may have been taken regarding such individual. The disclosure of such information could unnecessarily subject such employee to public embarrassment, humiliation, and consternation. Company personnel matters are intended to be private matters and are not intended to be subject to public scrutiny.

9. Southern Bell has previously asserted in its pending September 9, 1992 Request and Motion that the names of employees who were investigated or disciplined as a result of the repair service investigation are proprietary confidential business information. Southern Bell reasserts these arguments here and incorporates by reference herein the arguments contained in the Request and Motion on the issue of the inappropriateness of the public release of these employees' names.

10. In addition to the compelling arguments already made herein, as well as in the Company's September 9, 1992 Request and Motion, further support for the proposition that the names and other sensitive personal information relating to individuals affected by the internal corporate investigations should not be publicly released exists in § 119.14, Florida Statutes. In providing the applicable criteria for the legislature to use in creating or maintaining public records exemptions under Florida's Sunset Review procedures,

§ 119.14, Florida Statutes clearly recognizes that information of a sensitive personal nature, including the name or names of individuals, should be exempt from public disclosure under certain circumstances, particularly if the release of the information, "... would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals ..."

§ 119.14(4)(b)(2), Florida Statutes.

11. The above-stated test is one of three elements that are required to be considered by the legislature in determining whether to create or continue an exemption from the public records act. Thus, the clear legislative intent is to protect such information from public scrutiny. The release of such sensitive personnel information of an employee-specific nature would serve no public purpose, would do irreparable damage to their public reputations and good names in their communities, and is expressly recognized by the legislature as being worthy of protection under these circumstances. No legitimate purpose could possibly be served through the unrestricted public disclosure of these proprietary and confidential internal Company investigative materials in their present form.

12. Southern Bell has treated and intends to continue to treat the material for which confidential classification is sought as private, and this information has not been generally disclosed.

WHEREFORE, based on the foregoing, Southern Bell moves the Prehearing Officer to enter an order declaring the information described above and contained in the indicated portions of the

attachments to be proprietary confidential business information, and thus not subject to public disclosure.

Respectfully submitted this 12th day of February, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

Harris R. Anthony

HARRIS R. ANTHONY

J. PHILLIP CARVER

c/o Marshall M. Criser, III
400 - 150 South Monroe Street
Tallahassee, Florida 32301
(305) 530-5555

R. Douglas Lackey

R. DOUGLAS LACKEY

SIDNEY J. WHITE, JR.

4300 - 675 West Peachtree Street
Atlanta, Georgia 30375
(404) 529-5094

FPSC DOCKET 910163-TL

FPSC STAFF'S 26TH PRODUCTION OF DOCUMENTS
RCC

JUSTIFICATION FOR CONFIDENTIALITY REQUEST

1. The confidential and proprietary information that is contained in this listing is all employee-personnel information that is not related to qualifications, duties, responsibilities or compensation. Accordingly, these documents are exempted from the Public Records Act by the express provisions of Section 364.183, Florida Statutes.

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE NOS./COL. NO.</u>	<u>REASON</u>
F03B26Z0000001-	3	1
0000003		
0000004	3	1
0000005	3,11	1
0000006	3,6,11,13	1
0000007	3,9	1
0000008	3,8	1
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0000016	1	1