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State of Florida



Public Service Commission

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COMMISSION CLERK

DATE: July 25, 2007

TO: Adam J. Teitzman, Senior Attorney, Office of the General Counsel

FROM: Nancy E. Pruitt, Regulatory Analyst III, Division of Competitive Markets & Enforcement *NP*
Denise N. Vandiver, Chief of Auditing, Division of Regulatory Compliance & Consumer Assistance *DW*

RE: **AT&T Florida's Request For Specified Confidential Classification in Docket No. 000475-TP** - Complaint by BellSouth Telecommunications, Inc. against Thrifty Call, Inc. regarding practices in reporting of percent interstate usage for compensation for jurisdictional access services.
FPSC Document No. 04542-07; Cross reference FPSC Document Nos. 05092-07, 08536-04, 08537-04, 08538-04, 09605-04

On June 5, 2007, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed its Notice of Intent to Request Specified Confidential Classification pursuant to Rule 25-22.006, Florida Administration Code (F.A.C.) for portions of its Motion For Summary Final Order and accompanying affidavit that contains information from a Commission staff audit "based in part upon material purported by Thrifty Call to be confidential." The document was assigned **FPSC Document No. 04542-07**.

On June 26, 2007, AT&T Florida filed its Request For Specified Confidential Classification pursuant to Rule 25-22.006, F.A.C., and Section 364.183, Florida Statutes, for certain information contained in FPSC Document No. 04542-07. AT&T stated that its filing contained material found in Document No. 00984-02 (Thrifty Call CDs containing Call Detail Records) for which a Claim for Confidential Classification had been filed by Thrifty Call on January 25, 2002. The Request also stated that Commission Staff Audit report pages and work papers were contained in the information. Attached to AT&T Florida's Request, was another copy of the documents previously submitted with its Notice of Intent. This second copy was identified as **FPSC Document No. 05092-07**.

Upon review of the information contained in the documents, technical staff does not concur with AT&T Florida that the identified information in Document Nos. 04542-07 and 05092-07 meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes and Rule 25-22.006(5), F.A.C.. Therefore, staff recommends AT&T Florida's Request For Specified Confidential Classification should be denied.

DOCUMENT NUMBER-DATE

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A summary of pertinent filings in this docket may clarify technical staff's recommendation.

- 10/22/01 Letter advising Thrifty Call that the Commission's Bureau of Auditing would conduct audit of call data.
- 01/25/02 Thrifty Call files CDs of raw call data (Document No. 00984-02) with Commission Clerk and a Claim of Confidentiality
- 02/04/02 CDs returned to Thrifty Call. Thrifty Call then files CDs directly with the Bureau of Auditing.
- 08/05/04 Bureau of Auditing files as confidential certain Audit Report pages for Audit Control No. 01-292-1-1, audit working papers, and the CDs along with data field descriptions. These are numbered Document Nos. 08536-04, 08537-04, and 08538-04, respectively.
- 09/01/04 Thrifty Call files with the Commission Clerk Document No. 09605-04 which includes Document Nos. 08536-04, 08537-04, and 08538-04 with a Claim of Confidentiality.
- 11/14/05 AT&T Florida files a Motion per Section 25-22.006(5)(c)(2), F.A.C., to examine **all material** claimed to be confidential by Thrifty Call. Document No. 10927-05 (Emphasis added) [Motion, p. 3]
- 12/09/05 AT&T Florida files a Motion for Ruling on the Pleadings stating that Thrifty Call had until 11/29/05 to file a response as to why the material should remain confidential. Thrifty Call did not file a response nor a Request for Confidential Classification.
- 02/10/06 The Prehearing Officer issues an Order, PSC-06-0097-PCO-TP, Protective Order Governing Handling of Confidential Information and Order Granting Motions to Inspect Material and Rule on Pleadings. The Order references Section 25-22.006(2)(b), F.A.C., which states that if such a Request is not timely filed, "confidentiality is waived and the material becomes subject to inspection and examination pursuant to Section 119.01(7), Florida Statutes." [Order, p. 2]

The Order describes the material covered in Thrifty Call's claim: call identification data, Commission staff audit work papers, and report pages. [Order, p. 1] However, because part of the material Thrifty Call claimed as confidential included customer account information, the Prehearing Officer found "the call detail records information shall be afforded the confidential protection pursuant Section 364.183, Florida Statutes . . ." [Order, p. 3]

Unfortunately, the Order referenced the wrong Thrifty Call claim, Document No. 00984-2, filed 01/25/02. This document (CDs of raw call data) was returned to Thrifty Call. The order should have referenced Thrifty Call's claim in Document No. 09605-04, filed 09/01/04. The latter claim referenced the Staff Audit, 01-292-1-1 and contained Documents 08536-04, 08537-04, and 08538-04. Only 08538-04 contains the call detail records with data field descriptions which were found by the Prehearing Officer to be confidential.

Since AT&T Florida's Motion for Summary Order and accompanying affidavit contain no call detail records, technical staff recommends the Request for Confidential Classification be denied. The resulting order should reflect the correct document number of the Thrifty Call Claim, Document No. 09605-04, and instruct the Commission Clerk to declassify Document Nos. 08536-04, 08537-04, 09605-04 (except pages 48 through 48-18), 04542-07, and 05092-07.

Order PSC-06-0097-PCO-TP extended the confidentiality of the call detail records, Document No. 08538-04 and pages 48 through 48-18 of Document No. 09605-04, for 18 months. This extension expires August 10, 2007, absent a renewed request for confidentiality.

c: Ann Cole, Marguerite Lockard (CLK)
Brenda Merritt (CMP)
Patti Zellner (GCL)