

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Requests for confidential classification of responses to FPSC staff data request for information on proposed Rule 25-4.0042, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited)	DOCKET NQ. 900491-TI
_____)	
Request for Confidential Treatment of Marketing Agreement Aggregator List by AT&T Communications of the Southern States)	DOCKET NO. 900570-TI
_____)	ORDER NO. 23382
	ISSUED: 8-21-90

ORDER DENYING CONFIDENTIAL CLASSIFICATION

On January 24, 1990, US Sprint Communications Company Limited Partnership (US Sprint) requested confidential classification of the identities of its resellers in response to an October, 1989 request from Commission staff. Staff had received complaints from the public about the activities of a reseller and requested the information from US Sprint to determine the nature of its resale activities.

On April 5, 1990, AT&T Communications of the Southern States, Inc. (AT&T) requested confidential classification of its response to part of a data request from Commission staff asking for the names and addresses of companies in Florida who are reselling AT&T's services. On May 15, 1990, US Sprint responded to the same data request and also requested confidential classification of the identities of its resellers. The data request was sent to interexchange telephone companies on March 7, 1990 for the purpose of determining the economic impact of a proposed amendment to Rule 25-4.0042, Florida Administrative Code.

Consideration of a rule change resulted from a concern about the proliferation of uncertificated resellers and the possible need to initiate show cause proceedings. The rule amendment would require a certificated telephone company to ensure that a reseller of its intrastate services has a certificate to provide any services regulated by the Commission. Thirty-two companies responded to the request, but only AT&T and US Sprint requested confidential classification of the identity of the resellers.

In addition to the foregoing, on June 21, 1990, AT&T requested confidential classification of its response to a request from the Commission's Bureau of Service Evaluation seeking the names and addresses of aggregators of residential and business customers who operate in Florida and who resell AT&T's services. Staff requested the information as part of a review of the practices and procedures

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of these call aggregators. This review was initiated in response to numerous subscriber inquiries about the questionable sales tactics and practices of companies promising AT&T service and quality at discounted rates.

AT&T's requests assert that disclosure of the identities of the companies reselling its services would cause it competitive harm by allowing AT&T's competitors to direct their marketing efforts at those specific customers. AT&T also claims that disclosure would violate the customer's right to maintain confidentiality as to their sources of supply. US Sprint's request for confidential classification asserts that the information is a trade secret, and disclosure of contractual data would seriously impair its efforts to contract for services on favorable terms in the future because it would permit "customers to weigh the advantages or disadvantages of contracting with US Sprint without benefit of negotiation." US Sprint also claims that competitors will be able to deduce its business plan.

It is notable that resellers often market their services as that of AT&T and US Sprint. This disclosure is inconsistent both with AT&T's argument that it must protect the identity of its resellers and with US Sprint's claim that the identity of the resellers is a trade secret. Although US Sprint alleges that it has taken reasonable steps to prevent public disclosure through internal handling procedures, neither company claims that it prohibits its resellers from disclosing their sources of supply and it is apparent that at least some resellers are in fact identifying their service suppliers to the public.

The information sought to be classified as confidential is the names and addresses of companies reselling US Sprint's and AT&T's services. Identification of these resellers, however, does not disclose the specific contractual terms. Price of the service, quantity, components, facilities, equipment or the identity of end users would not be disclosed. AT&T's and US Sprint's ability to contract on favorable terms in the future will not be harmed.

Granting confidential classification to the identities of companies who may not be certificated by the Commission and who are reselling AT&T's and US Sprint's intrastate telephone service would not be in the public interest and, for the reasons stated, I conclude that the requests are denied.

In consideration of the foregoing, it is

ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that the requests for specified confidential

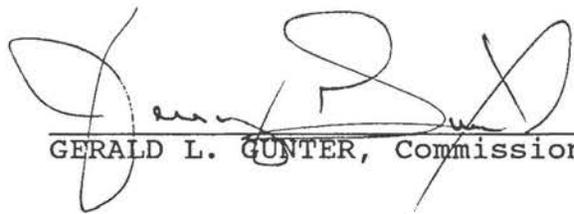
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classification filed by AT&T Communications of the Southern States, Inc. on April 5, 1990, and June 21, 1990, and by U.S. Sprint Communications Company Limited Partnership on May 15, 1990, are hereby denied pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes. It is further

ORDERED that if a protest is filed within fourteen (14) days of the date of this order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(c), Florida Administrative Code.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 21st day of AUGUST, 1990.



GERALD L. GUNTER, Commissioner

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