

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Citizens of the )	DOCKET NO. 890190-TL
state of Florida to investigate SOUTHERN )	ORDER NO. 24702
BELL's Cost Allocation Procedures )	ISSUED: 6/24/91
)	

ORDER GRANTING SPECIFIED CONFIDENTIAL TREATMENT  
OF PORTIONS OF DOCUMENT NO. 4191-91

On May 1, 1991, Southern Bell Telephone and Telegraph Company, (Southern Bell or the Company) filed its Request for Confidential Classification and Motion for Permanent Protective Order of certain documents included in Public Counsel's April 18, 1991, Request for Production of Documents. The Company's request included Documents Nos. 4182-91, 4183-91, 4184-91, 4185-91, 4186-91, 4187-91, 4188-91, 4189-91, 4190-91, and 4191-91.

Of these documents, 4184-91, 4185-91, 4186-91, 4187-91, and 4188-91 were not used at the May 1, 1991, hearing and were returned to the Company. The documents numbered 4182-91, 4189-91, and 4190-91 were either not confidential, or the Company withdrew its request for confidential treatment at the May 1, 1991, hearing, so these documents have become public record pursuant to Section 119.07(1), Florida Statutes. Document No. 4183-91 was addressed and disposed of in Order No. 24654. This leaves only Document No. 4191-91, a group of internal audits, which remain to be ruled on.

Southern Bell asserts that the document which has been labeled by the Commission as 4191-91 is a collection of internal audits. At the time of the original filing, this collection contained six different audits. Since two of the audits were not used at the May 1, 1991, hearing, they have been returned to the Company. The remaining four internal audits have been requested specified confidential treatment pursuant to Section 364.183, Florida Statutes.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. The only exceptions to this law are specific statutory exemptions, and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This law derives from the concept that government should operate in the "sunshine." It is our view that parties must meet a very high burden when requesting a protective order or specified confidential classification of documents that are submitted during a proceeding before this Commission. In the instant matter, the value that would be received by making this information public must be weighed

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against the legitimate concerns of Southern Bell regarding disclosure of business information which it considers proprietary.

Pursuant to Section 364.183, and Rule 25-22.006, Florida Administrative Code, Southern Bell has the burden to show that the material submitted is qualified for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the information falls under one of the statutory examples set out in Section 364.183, or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Internal audits are one of the specific statutory examples that are afforded confidential treatment by Section 364.183. Upon review of the information remaining in the Request for Confidential Treatment, we are satisfied that it represents four internal audits, and that it should be granted specified confidential classification. Therefore, we find that the information contained in Document No. 4191-91 is qualified for specified confidential classification pursuant to Section 364.183, and Rule 25-22.006. Accordingly, this document shall be exempt from the requirements of Section 119.07(1).

Based on the foregoing, it is, therefore,

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that the four internal audits identified in the body of this order as Document No. 4191-91 are granted confidentiality pursuant to Section 364.183, Florida Statutes.

By ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this 24th day of JUNE, 1991.

  
THOMAS M. BEARD, Chairman  
and Prehearing Officer

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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 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.