

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into Southern)	DOCKET NO. 900960-TL
Bell Telephone and Telegraph Company's)	ORDER NO. 25237
non-contact sales practices)	ISSUED: 10/22/91
)	

ORDER DENYING SOUTHERN BELL TELEPHONE AND
TELEGRAPH'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 0372-91

On January 11, 1991 Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification of certain portions of their Response to Requests 9 and 10 of Staff's December 13, 1990 Data Request. The motion requested that the information be treated as confidential business information and not be subject to public disclosure.

Request 9 asked for the identification of certain employees who were ". . .involved in falsifying customer records," asking that Southern Bell identify the employees involved by a code of Southern Bell's choosing and by the employees' titles. The request also asked for certain other information, including whether the employees had been disciplined. Request 10 asked Southern Bell to identify, again using an employee identification code of Southern Bell's choice, the highest level supervisor that was aware of the erroneous billing ". . . while the erroneous billings were occurring."

In support of their Request for Confidential Classification, Southern Bell asserts that even using codes in place of the names of the employees is not adequate protection, since these individuals could be identified through job titles and disciplinary information. Therefore, the Company requests that the management level, and in some instances the title and location of the affected employees be granted confidential classification. Southern Bell cites Section 364.183(3)(f), Florida Statutes, asserting that identification of the aforementioned employees does not relate to their compensation, duties, qualifications or responsibilities.

Florida law provides, in Section 119.07(1), 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 confidential

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classification of documents that are submitted during a proceeding before this Commission.

Pursuant to Section 368.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Southern Bell has the burden to show that the material submitted is qualified for confidential classification. Rule 25-22.006, Florida Administrative Code, provides that Southern Bell may fulfill its burden by demonstrating that the information falls into one of the statutory examples set out in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential information the disclosure of which will cause Southern Bell or its ratepayers harm.

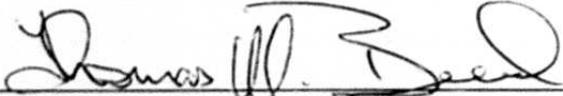
Upon review of the Company's request and the information involved, we find that Southern Bell has not demonstrated that its employees' names warrant confidential classification. The Company has failed to demonstrate any harm to itself or the ratepayers that would result from disclosure of these names. The Company does not assert that the job location, the job title, and the management level of the employees are in themselves confidential, as these are clearly related to the employees' duties and responsibilities. The Company merely advances an argument that this information will allow the employees' names to be identified. We do not find this argument persuasive. We have previously addressed this issue and denied confidential treatment in Order No. 24266. Therefore, Southern Bell's request for confidential classification of employees' names in this proceeding contained in Document No. 0372-91 is hereby denied.

Based on the foregoing, it is, therefore,

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's request for confidential classification of portions of Document No. 0372-91 is hereby denied.

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BY ORDER of Chairman Thomas M. Beard, as Prehearing Officer,
this 22nd day of OCTOBER, 1991.


THOMAS M. BEARD, Chairman
and Prehearing Officer

(S E A L)

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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.