

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of ) the revenue requirements and ) rate stabilization plan of ) SOUTHERN BELL TELEPHONE AND ) TELEGRAPH COMPANY. )	DOCKET NO. 920260-TL
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In Re: Show cause proceedings ) against SOUTHERN BELL TELEPHONE ) AND TELEGRAPH COMPANY for ) misbilling customers. )	DOCKET NO. 900960-TL
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In Re: Petition on behalf of ) Citizens of the State of Florida ) to initiate investigation into ) integrity of SOUTHERN BELL ) TELEPHONE AND TELEGRAPH ) COMPANY'S repair service ) activities and reports. )	DOCKET NO. 910163-TL
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In Re: Investigation into ) SOUTHERN BELL TELEPHONE AND ) TELEGRAPH COMPANY'S compliance ) with Rule 25-4.110(2), F.A.C., ) Rebates. )	DOCKET NO. 910727-TL ORDER NO. PSC-93-0412-CFO-TL ISSUED: 03/17/93

ORDER DENYING CONFIDENTIAL TREATMENT  
OF DOCUMENT NO. 14175-92

On December 4, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification of material provided at lines 17-43 of its Response to Staff's Interrogatory No. 343. The Response has been assigned Document No. 14175-92 by the Commission. Southern Bell asserts that the material at issue represents findings and a discussion which were the result of an internal audit. Thus, the Company asserts that the material is entitled to confidential treatment pursuant to Section 364.183(3)(b), Florida Statutes. The Company acknowledges that the actual adjustment numbers are not proprietary because they have been publicly disclosed elsewhere.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. This law derives from the concept that government should

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operate in the "sunshine." 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.

Accordingly, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, it is the Company's 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 documents fall into one of the statutory examples set forth 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.

Upon review, the material is found to quantify results from both internal and external audit reports. The Company does not differentiate between the two types of audits as the source of the information. In addition, the data is found to have been previously disclosed in the Company's Response to Staff POD Nos. 1 and 2. Thus, the Company has failed to demonstrate that the material at issue contains previously undisclosed information derived from an internal audit control or report. As such, the material does not qualify for an exemption to the Public Records Act, pursuant to Section 364.183(3)(b), as asserted by the Company. Therefore, the Company's December 4, 1992, Request for Confidential Classification of Document No. 14175-92 is denied.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's Request for Confidential Treatment of Document No. 14175-92 is denied. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 17th day of March, 1993.

  
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SUSAN F. CLARK, Commissioner 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 wastewater 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

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review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.