

SIDNEY J. WHITE, JR.  
General Attorney

Southern Bell Telephone  
and Telegraph Company  
Suite 400  
150 South Monroe Street  
Tallahassee, Florida 32301  
(404) 529-5094

ORIGINAL  
FILE COPY

August 2, 1993

Mr. Steve C. Tribble  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

RE: Docket Nos. 920260-TL, 900960-TL, 910163-TL, 910727-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for Reconsideration of Order No. PSC-93-1062-CFO-TL. Please file this document in the above-captioned dockets.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

*Sidney J. White Jr.*  
Sidney J. White, Jr. (R)

ACK

AFA

APP

CAF

CMI

Enclosures

CTR

EAG  cc: All Parties of Record

LEG  *W/m* A. M. Lombardo

LPI  *6* H. R. Anthony

R. D. Lackey

OPC

ROH

SEC

WFS

OTn

RECEIVED & FILED

*R 5/99*  
FPC-RECORDS/REPORTING

DOCUMENT NUMBER-DATE

08272 AUG-2 83

FPC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**

**Docket No. 920260-TL**

**Docket No. 900960-TL**

**Docket No. 910163-TL**

**Docket No. 910727-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 2nd day of August 1993 to:

Robin Norton  
Division of Communications  
Florida Public Service  
Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0866

Charles J. Beck  
Deputy Public Counsel  
Office of the Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Tracy Hatch  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Michael J. Henry  
MCI Telecommunications Corp.  
MCI Center  
Three Ravinia Drive  
Atlanta, Georgia 30346-2102

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Grandoff & Reeves  
315 South Calhoun Street  
Suite 716  
Tallahassee, Florida 32301  
atty for FIXCA

Richard D. Melson  
Hopping Boyd Green & Sams  
Post Office Box 6526  
Tallahassee, Florida 32314  
atty for MCI

Joseph Gillan  
J. P. Gillan and Associates  
Post Office Box 541038  
Orlando, Florida 32854-1038

Rick Wright  
Regulatory Analyst  
Division of Audit and Finance  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0865

Patrick K. Wiggins  
Wiggins & Villacorta, P.A.  
Post Office Drawer 1657  
Tallahassee, Florida 32302  
atty for Intermedia and Cox

Peter M. Dunbar  
Haben, Culpepper, Dunbar  
& French, P.A.  
306 North Monroe Street  
Post Office Box 10095  
Tallahassee, FL 32301  
atty for FCTA

Laura L. Wilson, Esq.  
Messer, Vickers, Caparello,  
Madsen, Lewis & Metz, PA  
Post Office Box 1876  
Tallahassee, FL 32302  
atty for FPTA

Chanthina R. Bryant  
Sprint  
3065 Cumberland Circle  
Atlanta, GA 30339

Michael W. Tye  
AT&T Communications of the  
Southern States, Inc.  
106 East College Avenue  
Suite 1410  
Tallahassee, Florida 32301

Dan B. Hendrickson  
Post Office Box 1201  
Tallahassee, FL 32302  
atty for FCAN

Benjamin H. Dickens, Jr.  
Blooston, Mordkofsky,  
Jackson & Dickens  
2120 L Street, N.W.  
Washington, DC 20037  
Atty for Fla Ad Hoc

C. Everett Boyd, Jr.  
Ervin, Varn, Jacobs, Odom  
& Ervin  
305 South Gadsen Street  
Post Office Drawer 1170  
Tallahassee, Florida 32302  
atty for Sprint

Florida Pay Telephone  
Association, Inc.  
c/o Mr. Lance C. Norris  
President  
Suite 202  
8130 Baymeadows Circle, West  
Jacksonville, FL 32256

Monte Belote  
Florida Consumer Action Network  
4100 W. Kennedy Blvd., #128  
Tampa, FL 33609

Bill L. Bryant, Jr., Esq.  
Foley & Lardner  
Suite 450  
215 South Monroe Street  
Tallahassee, FL 32302-0508  
Atty for AARP

Michael B. Twomey  
Assistant Attorney General  
Department of Legal Affairs  
Room 1603, The Capitol  
Tallahassee, FL 32399-1050

Mr. Douglas S. Metcalf  
Communications Consultants,  
Inc.  
631 S. Orlando Ave., Suite 250  
P. O. Box 1148  
Winter Park, FL 32790-1148

Mr. Cecil O. Simpson, Jr.  
General Attorney  
Mr. Peter Q. Nyce, Jr.  
General Attorney  
Regulatory Law Office  
Office of the Judge  
Advocate General  
Department of the Army  
901 North Stuart Street  
Arlington, VA 22203-1837

Mr. Michael Fannon  
Cellular One  
2735 Capital Circle, NE  
Tallahassee, FL 32308

Floyd R. Self, Esq.  
Messer, Vickers, Caparello,  
Madsen, Lewis, Goldman & Metz  
Post Office Box 1876  
Tallahassee, FL 32302-1876  
Attys for McCaw Cellular

Angela Green  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Stan Greer  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

*Sidney J. White, Jr.*  
\_\_\_\_\_ (29)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FILE COPY

In re: Comprehensive Review of the Revenue Requirements and Rate Stabilization Plan of Southern Bell Telephone and Telegraph Company	)	Docket No. 920260-TL
)		
In re: Show cause proceeding against Southern Bell Telephone and Telegraph Company for misbilling customers	)	Docket No. 900960-TL
)		
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
)		
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
)		Filed: August 2, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
MOTION FOR RECONSIDERATION OF ORDER NO. PSC-93-1062-CFO-TL

COMES NOW, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files, pursuant to Rule 25-22.038(2), Florida Administrative Code, its Motion for Reconsideration of Order No. PSC-93-1062-CFO-TL, issued on July 21, 1993 by the Prehearing Officer in the above-referenced dockets.

1. On July 21, 1993, the Prehearing Officer issued Order No. PSC-93-1062-CFO-TL granting in part and denying in part the

Company's Request for Confidential Classification for certain information contained in the Staff's CAM and Rate Case audit workpapers.

2. In her discussion of the reasons for denying Southern Bell's Request for Confidentiality for portions of these workpapers, the Prehearing Officer overlooked factual matters, legal matters or failed to consider important reasons why the subject information should be kept confidential.

3. The Prehearing Officer held that information sought to be protected on pages 2188-2191 and 2194-2196 of the Rate Case audit workpapers were not entitled to confidential classification. This information pertains to individual IXC customer-specific Percent Interstate Usage (PIU) audit-related information. This information includes specific amounts recovered from individual IXCs as a result of PIU audit findings. These individual IXC-specific billing results are proprietary for compelling reasons.

4. First, as previously indicated by Southern Bell, the Company or its agents enter into legally binding confidentiality agreements with the IXCs that it audits, and the Company is therefore under a legal obligation not to publicly disclose the individual details of such audits. These details include the amounts ultimately billed back to some of these IXCs as a result of Southern Bell finding inaccuracies in the IXCs' jurisdictional reporting of PIU. Section 364.183(3), Florida Statutes, provides that information obtained by Southern Bell pursuant to a private

non-disclosure agreement is proprietary confidential business information, particularly if the disclosure would be harmful to the Company or its ratepayers. Southern Bell will be harmed in its ability to accurately audit the IXCs without the carriers' continued voluntary cooperation in such audits. Such lack of cooperation could likely result if the IXCs knew that this sensitive information were subject to public disclosure.

5. A decision denying confidentiality could lead to the inadvertent and unintended result of requiring Southern Bell to formally invoke the Commission's authority to order the IXCs to cooperate in such audits. This is so because the IXCs have historically been somewhat resistant in these audits. If the Commission does not acknowledge and honor the confidentiality agreements, the result will likely be less cooperation and more litigation. This, in turn, would harm Southern Bell and its ratepayers. The reason for these audits is to ensure that Southern Bell is being properly compensated for the relative percentages of intrastate and interstate access services provided to IXCs in Florida. To the extent PIU is overstated and left undetected, Southern Bell's regulated intrastate revenues would be negatively affected, thereby causing harm to Southern Bell and ultimately its ratepayers.

6. Second, the individual IXC-specific amounts recovered from such carriers as a result of the PIU audits constitute customer-specific billing information which this Commission has historically held to be entitled to confidential classification.

This Commission has consistently recognized that Southern Bell's customers' individual information is to be treated as proprietary confidential business information. Order No. 24531, issued May 14, 1991 in Docket No. 860723-TP. The information at issue in Southern Bell's current Request is similarly classified as customer-specific information. Southern Bell has already publicly provided the total intrastate revenue effect of the combined PIU audits for the 1991 and 1992 time frames. No legitimate purpose would be served by further public release of the amounts individually recovered from each of Southern Bell's IXC customers. To the extent similar billing information relating to other Southern Bell customers is not compelled to be publicly disclosed, it would be unjust to treat the Company's IXC customers with any less consideration.

7. This same type of information is currently the subject of Motions for Reconsideration filed by Southern Bell on March 25 and June 11, 1993 relating to Order Nos. PSC-93-0823-CFO-TL and PSC-93-0388-CFO-TL. The Company hereby incorporates by reference herein the similar arguments made in these referenced motions for purposes of this request for reconsideration.

8. The Prehearing Officer held that information sought to be protected on page 61, lines 12-21 of the CAM audit workpapers were not entitled to confidential classification. The Order states that:

"...these pages include entries, allocation factors, findings, and other miscellaneous facts which could not be used to any meaningful purpose." Order, at p. 3.

Based on the above-stated rationale, the Prehearing Officer denied confidential classification for page 61, lines 12-21. However, a review of this information discloses that the information was in fact taken directly from Southern Bell's outside auditors' review of the Company's internal audit workpapers. A reading of line 9 of this workpaper, which describes the procedure followed by Coopers and Lybrand, clearly shows that the findings summarized on lines 12-21 were taken from a review of Southern Bell's internal audit workpapers. Consequently, the Order erroneously ignored or failed to consider this crucial fact in originally denying confidentiality for lines 12-21. Southern Bell stated that the reason justifying confidential classification for this information was that it:

"includes information consisting of, or which incorporates, materials from internal audits and/or workpapers of internal auditors."

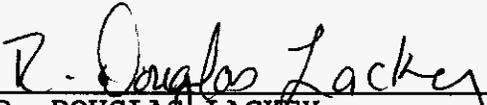
Further, Southern Bell correctly cited Section 364.183(3)(b), Florida Statutes as the applicable statutory provision providing for this information to be classified as confidential. This is not a case in which it is unclear whether or not the workpaper contains information derived from Southern Bell's internal auditing process and work product. Rather, this particular workpaper clearly states that the information contained on page 61, lines 12-21 came from a review of Southern Bell's internal audit workpapers. The Order should be reconsidered based on this fact which was apparently overlooked.

Based on the foregoing, Southern Bell moves the Prehearing Officer to reconsider those portions of Order No. PSC-93-1062-CFO-TL pertaining to the IXC customer-specific information relating to billing amounts resulting from the confidential PIU audits conducted by Southern Bell and the internal audit related information and to find that such information is entitled to confidential classification.

Respectfully submitted this 2nd day of August, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

  
HARRIS R. ANTHONY *J (S)*  
c/o Marshall M. Criser, III  
400 - 150 South Monroe Street  
Tallahassee, Florida 32301  
(305) 530-5555

  
R. DOUGLAS LACKEY *J (S)*  
SIDNEY J. WHITE, JR.  
4300 - 675 West Peachtree Street  
Atlanta, Georgia 30375  
(404) 529-5094