

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for confidential ) DOCKET NO. 940836-TL  
treatment of information ) ORDER NO. PSC-95-0151-CFO-TL  
contained in document entitled ) ISSUED: February 2, 1995  
"Marketing of CPE, Inside Wire, )  
and Voice Messaging by Four )  
Florida Local Exchange )  
Companies," produced by Division )  
of Research and Regulatory )  
Review, by UNITED TELEPHONE )  
COMPANY OF FLORIDA, CENTRAL )  
TELEPHONE COMPANY OF FLORIDA, )  
AND GTE FLORIDA INCORPORATED. )

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF DOCUMENT NO. 08420-94

On July 25, 1994, the Bureau of Regulatory Review of this Commission mailed a draft of its report entitled "Marketing of CPE, Inside Wire & Voice Messaging by Four Florida Local Exchange Companies" with company-specific information to GTE Florida Incorporated (GTE Florida) and three other local exchange telephone companies. Company-specific information was omitted for other companies except GTE Florida in this draft.

On August 18, 1994, GTE Florida submitted a highlighted, unredacted copy of the same draft indicating that page 29 contained confidential material. This submission was designated as Document No. 08420-94, cross-reference Document No. 07706-94. A request for confidential classification accompanied the submission. No response in opposition to the request has been filed.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are 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.

Pursuant to the provisions of Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, GTE Florida has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-22.006, Florida Administrative code, GTE Florida must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause GTE Florida or its ratepayers harm.

DOCUMENT NUMBER-DATE

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Page 29 of Document No. 08420-94 includes a section entitled "Inside Wire Services." It is the percentage of GTEFL's residential customers subscribed to inside wire maintenance services as of 1993. GTE Florida asserts that the information is entitled to confidential classification because this information could impair its competitive business. GTE Florida claims that if a competitor knew its share of particular inside wire markets, it could better assess its chances of competing in the market.

On consideration, page 29 of Document No. 08420-94 deserves protection pursuant to Section 364.183(3) Florida Statutes. Disclosure of the information on page 29 has the potential to cause business harm to GTE Florida.

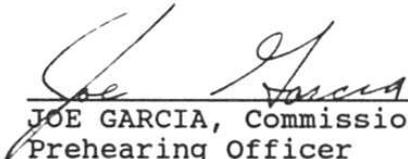
Based on the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the request for confidential classification of Document No. 08420-94, filed by GTE Florida, Incorporated, is granted. 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.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 2nd day of February, 1995.

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