

J. Phillip Carver
General Attorney

Southern Bell Telephone
and Telegraph Company
c/o Marshall M. Criser III
Suite 400
150 So. Monroe Street
Tallahassee, Florida 32301
Phone (305) 530-5558

April 16, 1993

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

Re: Docket No. 920260-TL - 900960-TL - 910163-TL - 910727-TL

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for a Permanent Protective Order for its Responses to Public Counsel's Third and Fifth Sets of Interrogatories, which we ask that you file in the captioned docket.

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 to the parties shown on the attached Certificate of Service.

ACK _____
AFA 1 _____
APP _____
CAF 1 _____
CMU _____
CTR _____
Enclosures

Sincerely yours,

J. Phillip Carver
J. Phillip Carver
(2x)

EAGcc: All Parties of Record
LEG 1 A. M. Lombardo
LIN 6 Harris R. Anthony
OPC _____
RCH 1 _____
SEC _____
WAS _____
OTH _____

A BELLSOUTH Company

DOCUMENT NUMBER-DATE
04158 APR 16 83
FPSC-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 *16th* day of *April*, 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, FL 32301-1838
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 Communications Co.
Limited Partnership
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 Communications
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

J. Phillip Carter
(22)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of) Docket No. 910163-TL
Citizens of the State of Florida)
to initiate investigation into) Filed: April 16, 1993
integrity of Southern Bell)
Telephone and Telegraph Company's)
repair service activities and)
reports.)
_____)

**SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S MOTION FOR
A PERMANENT PROTECTIVE ORDER FOR ITS RESPONSES TO
PUBLIC COUNSEL'S THIRD AND FIFTH SETS OF INTERROGATORIES**

COMES NOW BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company") and files, pursuant to Rule 25-22.006(5), Florida Administrative Code, its Motion for Permanent Protective Order.

1. On June 6, 1991 and June 11, 1991 the Office of Public Counsel ("Public Counsel") served upon Southern Bell its Third and Fifth Sets of Interrogatories in this docket. The Third Set of Interrogatories contains Item Nos. 1-10, and the Fifth Set of Interrogatories contains Item Nos. 1-2, all of which request information regarding the names and other personnel information of employees who have some knowledge of alleged falsification of trouble reports. Southern Bell believed that the requested information was protected from disclosure by the attorney-client privilege and work product doctrine. Accordingly, Southern Bell objected to providing this information.

2. Public Counsel filed Motions to Compel, which were granted by the Prehearing Officer in Order No. 25054, issued on September 12, 1991. Southern Bell then filed a Motion for

Reconsideration of this Order, which was denied by the full Commission on December 17, 1991 (Order No. 25483). Upon appeal, the Florida Supreme Court upheld the order of the Florida Public Service Commission requiring Southern Bell to divulge this information. (Denial of Petition in Case No. 80,004, dated February 4, 1993).

3. Southern Bell provided the information in answer to these interrogatories to Public Counsel on February 26, 1993. At that time, Southern Bell filed a Motion for Temporary Protective Order. The Office of Public Counsel filed a response that purported to voice its opposition to Southern Bell's Motion for Temporary Protective Order, notwithstanding the fact that it had not indicated an intent to utilize the information in this proceeding as required by Rule 25-22.006(5)(c). Southern Bell replied to this response on March 23, 1993. On April 1, 1993, Public Counsel filed an additional response (styled "Reply Concerning Southern Bell's Motion for a Temporary Protective Order) in which it stated for the first time its intent to use the subject information in this proceeding.

4. This information constitutes proprietary confidential business information that under the provisions of Section 364.183, Florida Statutes is exempt from the public disclosure requirements of Section 119.07, Florida Statutes. Accordingly, Southern Bell moves, pursuant to the Florida Public Service Commission's ("Commission") rule on confidentiality, Rule 25-

22.006(5)(c), Florida Administrative Code, for a Permanent Protective Order exempting this information from § 119.07(1), Florida Statutes.

5. The confidential information all fall into one of two different exemptions from Florida Statutes § 119.07. First, some answers to interrogatories contain customer-specific information. This information is specifically exempted from the general disclosure requirements of § 119.07 by the provisions of § 119.07(w). Specifically, § 119.07(w) provides that "all records supplied by a telecommunications company to a state or local government agency which contain the name, address and telephone number of subscribers are exempt from the provisions of subsection (1)," and that would otherwise require disclosure.

6. Second, certain interrogatory answers contain confidential personnel information. The four areas of employee personnel information that are not, per se, confidential pursuant to § 364.183(f), Florida Statutes, are those related to compensation, duties, qualifications, and responsibilities of an employee. A common sense reading of this list, as well as a review of the definitions of these items as contained in Webster's Seventh New Collegiate Dictionary, demonstrate that the employee information provided in response to Public Counsel's interrogatories do not fit any of the exceptions, and are thus, per se, confidential under §364.183(f), Florida Statutes.

7. A review of these terms, in the context of § 364.183(f), Florida Statutes, reveals their meaning.

"Compensation" is the amount of money or other value that an employee is paid to perform his or her job duties. "Duties" are the particular acts an employee is expected to perform as a part of his or her job. "Qualifications" are the skills, knowledge, and abilities needed to perform a particular job. Finally, "responsibilities" are those things that an employee is obliged to do as part of his or her job. These meanings are confirmed by the dictionary definition of these words. Webster's definitions of these terms are as follows:

- A. Compensation - payment, wages.
- B. Duty - the action required by one's position or occupation.
- C. Qualification - something that qualifies; a condition that must be complied with.
- D. Responsibility - the quality or state of being responsible.


Thus, the names and other personnel information of the employees who may have some knowledge of these allegations do not relate to the compensation, duties, qualifications, or responsibilities of these employees.

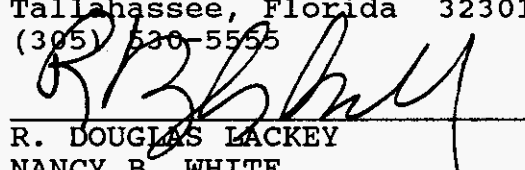
8. Southern Bell has filed as Attachment "A" a listing of the specific portions of the above-referenced answers to interrogatories that contain proprietary confidential information, all of which are confidential for the reasons set

forth above.¹ Southern Bell has also filed two redacted copies of the answers as Attachment "B." Finally, Southern Bell has filed a highlighted version of the answers in a sealed container, which is marked as Attachment "C."

WHEREFORE, Southern Bell respectfully requests that the Prehearing Officer issue a Permanent Protective Order exempting from the provisions of Section 119.07, Florida Statutes, Southern Bell's responses to Item Nos. 1-10 of Public Counsel's Third Set of Interrogatories and Item Nos. 1-2 of Public Counsel's Fifth Set of Interrogatories from § 119.07(1), Florida Statutes, in accordance with Rule 25-22.006, Florida Administrative Code.

ATTORNEYS FOR SOUTHERN BELL
TELEPHONE AND TELEGRAPH COMPANY


HARRIS R. ANTHONY (2X)
J. PHILLIP CARVER
c/o Marshall M. Criser
400 - 150 South Monroe Street
Tallahassee, Florida 32301
(305) 530-5555


R. DOUGLAS LACKEY
NANCY B. WHITE
4300 - 675 West Peachtree St., N.E.
Atlanta, Georgia 30375
(404) 529-3862

¹ Southern Bell responded to the Fifth Set of Interrogatories by referring to its responses to the Third Set of Interrogatories. Thus, only the answers to the Third contain the specific confidential information identified and described more fully on Attachments A, B and C. Since this information is incorporated by reference into the answers to the fifth interrogatories, however, confidential classification has been requested for these answers also.

Attachment "A"
Public Counsel's 3rd Interrogatories
910163

<u>Page</u>	<u>Line/Column</u>	<u>Reason</u>	
F03A03Y	0000033	2-4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24, 25, 27-29, 31, 32, 34, 35, 37, 38, 40, 41, 43, 44	1
	0000034	2, 3, 5-7, 9-11, 13, 14, 16, 17, 19, 20, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 40, 41, 43-45	1
	0000035	2, 3, 5, 6, 8-10, 12-14, 16-18, 20, 21, 23, 24, 26, 27, 29-31, 33, 34, 36-38	1
	0000040- 0000041	2-4, 6-8, 10-12, 14-16, 22-24, 26-28, 30-32, 34-36	1
	0000042	2-5, 7-9, 11-13, 15-17, 23-25, 27-29, 31-33, 35-37	1
	0000045	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24	1
	0000047	23-32	2
	0000048	1-30	2
	0000049	1-35	2
	0000050	1-35	2
	0000051-62	1-30	2
	0000063	1-35	2

Attachment "A"
Public Counsel's 3rd Interrogatories
910163

<u>Page</u>		<u>Line/Column</u>	<u>Reason</u>
F03A03Y	0000064	1-30	2
	0000065	1-25, 29-33	2
	0000066-69	1-30	2
	0000070	1-25, 29-33	2
	0000071	1-5, 10-19	2
	0000072	24-34	2
	0000073-74	1-35	2
	0000075	1-30	2
	0000076	1-35	2
	0000077	1-30	2
	0000078	1-35	2
	0000079	1-30	2
	0000080	1-30	2
	0000081	1-35	2
	0000082	1-35	2

Attachment "A"
Public Counsel's 3rd Interrogatories
910163

<u>Page</u>		<u>Line/Column</u>	<u>Reason</u>
F03A03Y	0000083	1-10, 13-27	2
	0000084	25-34	2
	0000085	1-30	2
	0000086	1-20, 24-33	2
	0000087-91	1-30	2
	0000092	1-20, 25-30	2
	0000093	1-30	2
	0000094	1-25	2
	0000095	26-35	2
	0000096	1-30	2
	0000097	1-10, 14-33	2
	0000098	1-30	2
	0000099	1-25, 29-33	2
	0000100	5-9	2
	0000101	25-34	2
	0000102	4-13	2

Attachment "A"
Public Counsel's 3rd Interrogatories
910163

<u>Page</u>	<u>Line/Column</u>	<u>Reason</u>	
F03A03Y	0000103	25, 26, 28-34	2
	0000104- 0000108	1-30	2
	0000109	1-10, 14-33	2
	0000110	1-21, 23-30	2
	0000111	1-30	2
	0000112	1-11, 13-30	2
	0000113	1-5, 8-12	2
	0000114	25-34	2
	0000115- 0000116	1-30	2
	0000117	1-3, 6-30	2
	0000118	1-10, 13-22	2
	0000119	26-35	2
	0000120	1-31	2
	0000121	1-25, 30-34	2
	0000122	1-20	2

Attachment "A"
Public Counsel's 3rd Interrogatories
910163

<u>Page</u>		<u>Line/Column</u>	<u>Reason</u>
F03A03Y	0000123	24-33	2
	0000124	4-33	2
	0000125	1-30	2
	0000126	1-15, 19-28	2
	0000127	1-10, 13-14, 16-17	2
	0000128	25-34	2
	0000129	1-26, 28-30	2
	0000130	1-10, 15-34	2
	0000131	1-30	2
	0000132	1-25, 29-33	2
	0000133	1-10, 14-33	2
	0000134	1-25, 29-33	2
	0000135	1-5, 9-18, 22-31	2
	0000136	1-10, 13-32	2