

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by Dade County Commission for countywide calling within Dade County and extended area service (EAS) from all of Dade County to all of Broward County.)	DOCKET NO. 940567-TL
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In Re: Request by Broward County Commission for countywide calling within Broward County and extended area service (EAS) from all of Broward County to all of Dade County.)	DOCKET NO. 940568-TL ORDER NO. PSC-94-1568-CFO-TL ISSUED: December 16, 1994

ORDER GRANTING REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 6186-94 AND 5087-94

BY THE COMMISSION:

Docket No. 940567-TL was initiated pursuant to Resolution No. R-664-94 submitted by the Dade County Commission requesting extended area service (EAS) countywide within Dade County and EAS from all of Dade County to all of Broward County. Docket No. 940568-TL was initiated pursuant to Resolution No. 94-447 submitted by the Broward County Commission requesting extended area service (EAS) countywide within Broward County and EAS from all of Broward County to all of Dade County.

All of the exchanges within Dade County (Homestead, Miami, North Dade and Perrine) and Broward County (Coral Springs, Deerfield Beach, Ft. Lauderdale, Hollywood, North Dade (pocket), and Pompano Beach) are served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell). All of these exchanges are located in the Southeast LATA (local access transport area).

On May 18, 1994, the Commission staff requested from Southern Bell data regarding community of interest factors for certain intercounty and intracounty routes in Dade and Broward Counties. On May 24, 1994, Southern Bell produced the data, which is Document No. 5087-94, to staff subject to a Notice of Intent. On June 13, 1994, the Commission staff requested additional information to

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update the original information. On June 22, 1994, Southern Bell filed the updated data, which is Document No. 6186-94, along with a Request for Confidential Classification (Request) of certain portions of the data. The Request has not been opposed by any party to this proceeding.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exemptions 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, the Company has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-22.006, Florida Administrative Code, the Company 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 the Company or its ratepayers harm.

The information for which Southern Bell has requested specified confidential treatment consists of community of interest factors which is like other traffic data in that the information essentially provides a blueprint of the toll usage over these various routes. The data for which Southern Bell seeks confidential classification is found on pages 1-2, lines 1-42 of Exhibit B of Southern Bell's request. Such information also contains data that indicates which routes contain the most concentrated traffic. Southern Bell uses this information to plan its network deployment based on traffic demand over the respective toll route. According to Southern Bell, with the advent of intraLATA toll competition as of January 1, 1992, such data, if disclosed, would give other providers an unfair competitive advantage in that they would be able to determine the most profitable toll routes (those with the most concentrated traffic) and target their marketing efforts accordingly. Southern Bell argues that the resulting decrease in toll revenues would ultimately work to the detriment of its ratepayers.

Southern Bell states that the information for which confidential treatment is requested is intended to be and is treated as confidential by Southern Bell and has not been disclosed to the public.

Upon review, I find that the data identified above is proprietary confidential business information pursuant to Section 364.183, Florida Statutes. As such, it shall be kept confidential and shall be exempt from Section 119.07(1), Florida Statutes.

I note that there appears to be some discrepancy between the date the original data was filed and the time the request should have been filed. The request for the original material technically should have been filed 21 days after the notice of intent was filed, or June 14th. However, on June 13th the Commission staff requested updated data of the same material from Southern Bell. Southern Bell promptly filed the updated material and the request for both documents on June 22nd. Staff's additional request appears to have caused Southern Bell some confusion as to when to file the request for the original material. In this instance, I find good cause to allow the request to cover both documents. However, Southern Bell is hereby cautioned that each submission for which confidentiality is sought should strictly comply with the provisions of Rule 25-22.006, Florida Administrative Code.

Based on the foregoing, it is

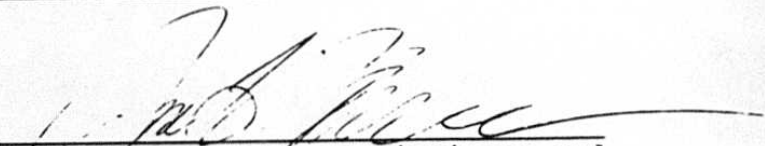
ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the Request for Confidential Classification of the information identified in the body of this Order, filed by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company is hereby granted for the reasons set forth herein. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, 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 period.

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By ORDER of Commissioner Julia L. Johnson, as Prehearing
Officer, this 16th day of December, 1994.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

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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

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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.