

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by residents of Ft. White requesting extended area service between Ft. White exchange in Columbia County and Gainesville exchange in Alachua County.

DOCKET NO. 971627-TL  
ORDER NO. PSC-98-0811-CFO-TL  
ISSUED: June 18, 1998

ORDER ON RECONSIDERATION OF ORDER NO. PSC-98-0768-CFO-TL

By Order No. PSC-98-0098-FOF-TL, issued January 15, 1998, the Commission required ALLTEL Florida, Inc. (ALLTEL) to file a traffic study of the route under consideration for Extended Area Service (EAS) in this Docket. On April 14, 1998, ALLTEL filed the required study along with a Request for Confidential Classification of specific information contained in the study, Document No. 04245-98. ALLTEL asserted that the information for which it sought confidential treatment is treated by ALLTEL as confidential and had not been disclosed, except in accordance with a protective agreement.

Specifically, ALLTEL sought confidential treatment of information regarding the numbers of main stations, messages, M/A/M and percentage of customers making two or more calls, call distribution data for the Ft. White/Gainesville route, and the number of access lines. ALLTEL asserted that as the telecommunications market becomes increasingly competitive, this information would increase in value and that release of this information would allow potential competitors to harm ALLTEL's ability to compete. Based upon ALLTEL's assertions, it appeared appropriate to grant ALLTEL's request. Thus, by Order No. PSC-98-0768-CFO-TL, issued June 4, 1998, I granted ALLTEL's request for confidential treatment.

On June 8, 1998, however, Commission staff received further details from ALLTEL regarding the information for which it had requested confidential treatment. ALLTEL informed our staff that the information presented in Document No. 04245-98 was derived from Carrier Access Billing System (CABS) billing data, and was aggregate information for several of the larger IXCs. Therefore, while the information is route specific, it is not company specific. Therefore, disclosure of this information would not harm the company or its ratepayers.

DOCUMENT NUMBER-DATE

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REC'D-RECORDS/REPORTING

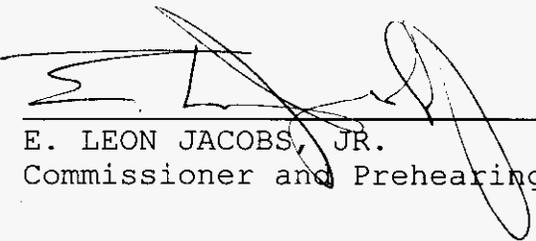
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In view of this new information, I find that this information should not be afforded confidential treatment. Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm. Therefore, upon reconsideration, I reverse Order No. PSC-98-0768-CFO-TL. Document No. 04245-98 does not qualify as confidential business information in accordance with Section 364.183, Florida Statutes.

Based on the foregoing, it is therefore

ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that because ALLTEL's assertions of confidentiality were erroneous, Order No. PSC-98-0768-CFO-TL is reversed and confidential treatment for Document No. 04245-98 is denied. It is further

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 18th Day of June, 1998.

  
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E. LEON JACOBS, JR.  
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 120.569(1), 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.