

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution for extended) DOCKET NO. 911186-TL
area service between the Vernon,) ORDER NO. PSC-92-0599-PCO-TL
Bonifay, and Westville exchanges) ISSUED: 07/01/92
by Washington County Commission.)
_____)

ORDER GRANTING CONFIDENTIAL TREATMENT
TO DOCUMENT NO. 3881-92

On April 20, 1992, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Specified Confidential Classification (Request) for certain interLATA and intraLATA traffic data. The Commission has assigned Document No. 3881-92 to the traffic studies at issue. The data was filed in compliance with Order No. 25617, which was issued on January 21, 1992, in this Docket. Southern Bell asks that the information at issue be held to be proprietary confidential business information pursuant to Rule 25-22.006, Florida Administrative Code. Such a determination would exempt the material from Section 119.07(1), Florida Statutes pursuant to Section 364.183, Florida Statutes. The Request has not been opposed by any party to this proceeding.

In its initial line-by-line justification, included as Attachment "C" to its Request, the Company stated simply: "Southern Bell Proprietary." Our staff contacted the Company and asked for a more specific rationale. On April 28, 1992, the Company filed an Amendment to its Request.

Throughout its Request, the Company argues that interLATA data should be protected because disclosure of that information would cause competitive harm to both AT&T, and Southern Bell. However, a review of the material indicates that there is no interLATA data.

Southern Bell also argues that intraLATA traffic data should be granted confidential treatment due to intraLATA competition in Florida. The Company cites two Commission Orders for the proposition that intraLATA competition exists and concludes that disclosure of intraLATA data would cause it competitive harm.

While the Company misclassifies the material at issue as AT&T data, and devotes half of its pleading to irrelevant interLATA arguments, it is evident that intraLATA routes are now subject to competition and that disclosure of traffic data on such routes could result in competitive harm to Southern Bell. Thus, the material at issue falls within a statutory example of "proprietary confidential business information" as set forth at Section 364.183(3)(e), Florida Statutes. Such information is exempt from

DOCUMENT NUMBER-DATE

07050 JUL -1 1992

FPSC-RECORDS/REPORTING

ORDER NO. PSC-92-0599-PCO-TL
DOCKET NO. 911186-TL
PAGE 2

Section 119.07(1), Florida Statutes. Therefore, the Company's Request is granted.

Based upon the foregoing it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's Amended Request for Confidential Classification is granted.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 1st day of July, 1992.



SUSAN F. CLARK, Commissioner
and Prehearing Officer

(S E A L)

CWM

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

ORDER NO. PSC-92-0599-PCO-TL
DOCKET NO. 911186-TL
PAGE 3

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.