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March 29, 1993

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

RE: Docket Nos. 920260-TL, 900960-TL, 910163-TL, 910727-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for Review of Order No. PSC-93-0411-CFO-TL, PSC-93-0414-CFO-TL, and PSC-93-0415-CFO-TL. Please file this document in the above-captioned dockets.

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 on the parties shown on the attached Certificate of Service.

Sincerely,

*Nancy B White* (of)  
Nancy B. White

ACK \_\_\_\_\_  
 AFA 1  
 APP \_\_\_\_\_  
 CAF 1 Enclosures  
 CMU 1  
 CTR \_\_\_\_\_ cc: All Parties of Record  
 EAG \_\_\_\_\_ A. M. Lombardo  
 LEG 1 H. R. Anthony  
 LIN 6 R. D. Lackey  
 OPC \_\_\_\_\_  
 RCH 1  
 SEC 1  
 WAS \_\_\_\_\_  
 OTH \_\_\_\_\_

DOCUMENT NO. \_\_\_\_\_ DATE  
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PSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of the Revenue Requirements and Rate Stabilization Plan of Southern Bell Telephone and Telegraph Company	)	Docket No. 920260-TL
	)	
	)	
	)	
	)	
In re: Show cause proceeding against Southern Bell Telephone and Telegraph Company for misbilling customers	)	Docket No. 900960-TL
	)	
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	)	
In re: Petition on behalf of Citizens of the State of Florida to initiate investigation into integrity of Southern Bell Telephone and Telegraph Company's repair service activities and reports	)	Docket No. 910163-TL
	)	
	)	
	)	
	)	
In re: Investigation into Southern Bell Telephone and Telegraph Company's compliance with Rule 25-4.110(2), F.A.C., Rebates	)	Docket No. 910727-TL
	)	Filed: March 29, 1993
	)	
	)	

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
MOTION FOR REVIEW OF ORDER NO. PSC-93-0411-CFO-TL,  
PSC-93-0414-CFO-TL, and PSC-93-0415-CFO-TL

COMES NOW, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files, pursuant to Rule 25-22.038(2), Florida Administrative Code, its Motion for Review of Order Nos. PSC-93-0411-CFO-TL, PSC-93-0414-CFO-TL, and PSC-93-0415-CFO-TL issued on March 17, 1993 by the Prehearing Officer in the above-referenced dockets.

1. On December 9, 1992, Southern Bell filed a Request for Confidential Classification ("Request") for certain information submitted in its responses to Staff's Interrogatory Item No. 371. On December 21, 1992, Southern Bell filed a Request for certain

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information submitted in its Supplemental response to Staff's Interrogatory Item No. 371. On March 17, 1993, the Prehearing Officer issued Order Nos. PSC-93-0415-CFO-TL and PSC-93-0411-CFO-TL, respectively, denying the Company Requests.

2. On December 30, 1992, Southern Bell filed a Request for certain information submitted in its responses to Staff's Interrogatory No. 427(a). On March 17, 1992, the Prehearing Officer issued Order No. PSC-93-0414-CFO-TL denying the Company's Request.

3. In her Orders, the Prehearing Officer concludes that the documents in dispute do not qualify as proprietary confidential business information under § 364.183, Florida Statutes because, as aggregate data, no market specific information is contained therein. Thus, the Prehearing Officer found that disclosure would provide no meaningful information with which competitors could target specific customer bases.

4. The information sought to be classified as confidential in these Requests pertains to intraLATA toll revenues and/or messages segregated by mileage band, time of day and/or class of customer. This information is proprietary for compelling reasons. Therefore, Southern Bell respectfully submits, on the basis of the pertinent facts and the controlling law cited herein, that the Orders include mistakes of law and fact such that the full Florida Public Service Commission ("Commission") should review and reverse this decision.

5. First, there can be no dispute that disclosure of this data would allow Southern Bell's competitors to determine the most lucrative areas of Southern Bell's intraLATA toll business. The documents subject to these orders contain an analysis of customers by class or mileage band or both as well as corresponding toll revenues. By a review of these data, Southern Bell's competitors could, with a minimum of effort, determine customer demand profiles and identify those specific markets of Southern Bell that have heavy customer demand. After having determined the most lucrative markets, a competitor could then target these markets in an effort to siphon off business from Southern Bell. Moreover, the competitor would be able to make its strategic decision based largely on market research done by Southern Bell. Obviously, such an advantage should not be afforded to Southern Bell's competitors.

6. The Prehearing Officer's finding that these documents contain no market specific information is clearly incorrect. The information contained in these documents includes the number of messages, minutes, revenue, and/or mileage bands utilized by different market segments in the arena of intraLATA toll services. There can be no question but that Southern Bell's competitors, of which there are many, would be delighted to obtain such data. Under § 364.183(e), Florida Statutes, this information is clearly proprietary confidential business information. Section 364.183(e) states that any information relating to competitive interest, the disclosure of which would

impair the competitive business of the provider, is considered proprietary confidential business information. The information contained in Southern Bell's original response to Item No. 371, its Supplement thereto, and Item No. 427(a), as more specifically described above, meets the statutory criteria and should therefore be afforded confidential classification.

7. Moreover, this Commission has previously held the exact same type of information to be proprietary confidential business information under § 364.183, Florida Statutes. In Order No. 19775, dated August 9, 1988, the Prehearing Officer therein granted Southern Bell's Request for Confidential Classification with regard to Staff's First Set of Interrogatories, Item No. 1 in Docket No. 880069-TL. A review of the response to Item No. 1 shows that it contained exactly the same type of information as contained in Item Nos. 371 and 427(a) in the instant matter. The prehearing officer at that time found that the information so produced was detailed information concerning competitive services and thus qualified as proprietary confidential business information pursuant to § 364.183, Florida Statutes.

8. While the Commission has the power to modify and depart from pre-existing orders, it may do so only when new evidence is presented which warrants such a change. See Peoples Gas System, Inc. vs. Mason, 187 So.2d 335 (Fla. 1966) and Reedy Creek Utilities Co. vs. Florida Public Service Commission, 418 So.2d 249 (Fla. 1982). Changed conditions and circumstances arising out of the rapid development of the state may justify or require

changes or modifications of orders made by the Commission. See Florida Motor Lines Corp. v. Douglas, 4 So.2d 856 (Fla. 1941).

9. In this instance, however, there is absolutely no rationale either contained in or which could be set forth in the orders sought to be reviewed which would justify a departure from the findings in Order No. 19775 that this type of information is proprietary confidential business information under § 364.183, Florida Statutes. To the contrary, the relevant changes merely reinforce the Commission's 1988 ruling. The intraLATA toll market has grown even more competitive since 1988 and thus, even stronger reasons for nondisclosure exist today. Interestingly enough, both MCI and the Florida Interexchange Carriers Association appear to agree with Southern Bell as to the competitiveness of this type of information. These parties also filed Requests for Confidential Classification concerning similar information.

WHEREFORE, Southern Bell respectfully requests the entry of an order by this Commission reversing the Orders of the Prehearing Officer, sustaining Southern Bell's assertion of confidentiality concerning the information provided in response to Items 371, its Supplement, and 427(a) of Staff's First Set of Interrogatories.

Respectfully submitted this 29th day of March, 1993.

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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 29th day of March, 1993 to:

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