

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the 1998 Annual Report of) Case No. TO-99-474
AT&T Communications of the Southwest, Inc.)

ORDER APPROVING APPLICATION TO CLOSE
ANNUAL REPORT INFORMATION

On April 19, 1999, AT&T Communications of the Southwest, Inc. (AT&T), filed an application requesting the Commission's approval to close certain information presented in its 1998 annual report. On February 16, 2000, AT&T amended and narrowed its request in a supplemental filing. On February 22, 2000, the Commission's Staff filed its recommendation suggesting that the Commission grant AT&T's amended request and order filing according to the Commission's requirements in recent similar cases.

Under Section 386.480, RSMo, information furnished to the Commission by a corporation, person or public utility is protected from disclosure, except such matters as are specifically required to be open to public inspection by law or by order of the Commission (or information disclosed by the Commission in the course of a hearing or proceeding). Under Section 386.480, RSMo, an officer or employee of the Commission or of the Office of Public Counsel who divulges such information shall be guilty of a misdemeanor.

Pursuant to Sections 392.210 and 393.140, the Commission requires public utilities to file certain information with the Commission in the

form of an annual report. The requirements are implemented by an order of the Commission adopting 4 CSR 240-10.080. Under this rule the Commission treats annual report information as an open public record. However, utilities subject to this rule may make written application for the closure of annual report information where a utility considers the information requested to be confidential and states good cause, that is, the need or basis to maintain the information as confidential. Where such an application is made and the information is not otherwise required to be open by law, the Commission may approve the application.

AT&T has requested that all portions of its 1998 annual report that contain statements of cash flows, balance sheets, and income statements be closed. AT&T states further that it treats this information presented at a state specific level as confidential and proprietary and does not reveal this information in any public forum.

Upon review of AT&T's application, the Commission finds that there is a need to protect confidential information and that the application complies with 4 CSR 240-10.080. Therefore, the application may be approved.

IT IS THEREFORE ORDERED:

1. That AT&T communications of the Southwest, Inc., shall file a public copy of its 1998 annual report by omitting or blacking out the confidential financial information appearing on the balance sheet, statement of income, and statement of cash flow; and shall mark the pages with omitted or blacked out information "CONFIDENTIAL INFORMATION OMITTED"; and shall attach a copy of this Order to the public copy of its 1998 annual report.

2. That AT&T communications of the Southwest, Inc., shall file a confidential copy of its 1998 annual report under seal at the time it files the public copy of the report.

3. That AT&T communications of the Southwest, Inc., shall comply with this Order by March 24, 2000.

4. That the Staff of the Missouri Public Service Commission shall monitor compliance with this Order and take further actions, if necessary, to enforce this order, or notify the Commission that this Order has been complied with and that this case may be closed, or otherwise apprise the Commission of the status of this case by March 31, 2000.

5. That this order shall become effective on March 7, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory
Law Judge, by delegation of
authority pursuant to 4 CSR
240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 23rd day of February, 2000.