

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of  
BellSouth Telecommunications,  
Inc.'s entry into interLATA  
services pursuant to Section 271  
of the Federal  
Telecommunications Act of 1996.

DOCKET NO. 960786-TL  
ORDER NO. PSC-01-1033-PCO-TL  
ISSUED: April 27, 2001

PROTECTIVE ORDER

Part II of the Federal Telecommunications Act of 1996 (the Act), P.L. 104-104, 104th Congress 1996, provides for the development of competitive markets in the telecommunications industry. Part III of the Act establishes special provisions applicable to the Bell Operating Companies (BOCs). In particular, BOCs must apply to the FCC for authority to provide interLATA service within their in-region service areas. The FCC must consult with the Attorney General and the appropriate state commission before making a determination regarding a BOC's entry into the interLATA market. See Subsections 271(d)(2)(A) and (B). With respect to state commissions, the FCC is to consult with them to verify that the BOC has complied with the requirements of Section 271(c) of the Act.

On June 28, 1996, we opened this docket to begin to fulfill our consultative role on the eventual application of BellSouth Telecommunications, Inc. for authority to provide in-region interLATA service. On July 7, 1997, BellSouth filed its Petition and supporting documentation. BellSouth filed the direct testimony and exhibits of 5 witnesses and a draft Statement of Generally Available Terms and Conditions (SGAT). The intervenors filed their testimony on July 17, 1996, and all parties filed rebuttal testimony on July 31, 1997. The hearing on BellSouth's Petition began on September 2, 1997, and ended on September 10, 1997. -

Having considered the record, by Order No. PSC-97-1459-FOF-TL, issued November 19, 1997, we rendered findings on whether BellSouth had met the requirements of Section 271(c). Specifically, we found that BellSouth was not eligible to proceed under Track B at that time, because it had received qualifying requests for interconnection that if implemented would meet the requirements of Section 271(c)(1)(A), also known as Track A. This Docket was left open to address future filings by BellSouth

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regarding those portions of Section 271 with which we did not find they had complied.

On March 6, 2001, BellSouth filed a Motion to Request Scheduling Conference. Therein, BellSouth indicated that it believed that the schedule to address whether BellSouth has now met the requirements of Section 271 should be expedited. Therefore, BellSouth requested a scheduling conference to further discuss the matter. A status conference was conducted on March 28, 2001, at which the scheduling of further proceedings was discussed. The handling of confidential information was also addressed. Thereafter, by Order No. PSC-01-0832-PCO-TL, issued March 30, 2001, the schedule for this proceeding was established. That Order indicated that a separate Order addressing the protection and handling of confidential information would be issued.

I note that an Order Granting Joint Motion for Protective Order, Order No. PSC-97-1008-CFO-TL, was issued in this Docket on August 22, 1997. At the March 28, 2001, status conference, the parties indicated that the provisions of that Order provided adequate protection and guidance in the handling of confidential information during the original proceedings in this case. Therefore, those same provisions, which are as follows, shall be reaffirmed for the duration of this proceeding:

1. The dissemination of any proprietary information concerning ALEC parties will be limited to counsel of record in this proceeding;
2. Non-party ALEC proprietary information will be disseminated only in the aggregate;
3. The use of any proprietary information protected under the Order will be limited to this docket;
4. The provisions of this Order will continue to govern all proprietary information unless and until a final order is rendered by the Commission or a court of competent jurisdiction determining that specific items

of information are non-confidential, at which time this Order will cease to apply to such non-confidential information, but will remain in effect as to the remainder of the information;

5. This Order will not apply to information already in the public domain; and
6. This Order will supplement the procedure for use of confidential information set forth in the Prehearing Order and the Order Establishing Procedure (Order No. PSC-01-0832-PCO-TL) issued in this Docket.

I find that these provisions comply with Rule 25-22.006(6), Florida Administrative Code, and Section 364.183, Florida Statutes, regarding protection of proprietary information in Commission proceedings. In view of the amount of confidential information that will likely be used at the hearing, and the complexity of handling such information, I find that these requirements are appropriate. I emphasize, however, that this Order does not preclude Commission staff from reviewing the information protected by this Order. This Order will govern the handling of proprietary information in this docket until a final determination is made on specific items of information for which confidential treatment is requested.

Based on the foregoing, it is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the provisions of this Order shall govern the handling of confidential information for the duration of this proceeding or until a final determination is made on specific items of information for which confidential treatment is requested.

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 27th Day of April, 2001.

A handwritten signature in black ink, appearing to read "J. Terry Deason", is written over a horizontal line.

J. TERRY DEASON  
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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.