

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.) DOCKET NO. 920260-TL
In Re: Investigation into the 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
In Re: Show cause proceeding against SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY for misbilling customers.) DOCKET NO. 900960-TL
ORDER NO. PSC-93-0598-CFO-TL
ISSUED: April 19, 1993

ORDER GRANTING SOUTHERN BELL'S MOTION FOR A TEMPORARY PROTECTIVE ORDER FOR DOCUMENTS PRODUCED IN RESPONSE TO OPC'S 36TH REQUEST FOR PRODUCTION, NOS. 5 AND 9, IN DOCKET NO. 910163-TL

BY THE COMMISSION:

By its Notice of Withdrawal of Objection and Motion for a Temporary Protective Order for Its Responses to Public Counsel's Thirty-Sixth Production of Documents filed March 8, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) has requested temporary protective status for materials and documents produced in response to the Office of Public Counsel's (OPC's) Thirty-Sixth Request for the Production of Documents, Nos. 5 and 9.¹ Southern Bell's request for interim protection is made pursuant to Rule 25-22.006(5)(c), Florida Administrative Code.

¹ By the same document, Southern Bell also withdrew its previous objection to producing this same material to OPC.

DOCUMENT NUMBER-DATE

04169 APR 19 93

RECORDS/REPORTING

ORDER NO. PSC-93-0598-CFO-TL
DOCKETS NOS. 920260-TL, 910163-TL, 910727-TL, 900960-TL
PAGE 2

The purpose of a temporary protective order issued pursuant to Rule 25-22.006(5)(c) is to facilitate the examination of potentially confidential information by temporarily exempting the information from the disclosure provision of Florida's Public Records Act, Section 119.07(1), Florida Statutes. Under the Rule, if information subject to a temporary protective order is to be used in a proceeding, then the utility must file a specific request for confidential treatment. Alternatively, if the material is not to be used in a proceeding, then the material shall be returned to the utility.

In view of the purpose of Rule 25-22.006(5)(c), it is appropriate to provide the relief requested. During the time this Order is in effect, the documents and information referenced herein shall be kept confidential and shall be exempt from disclosure under Section 119.07(1). Upon completion of its review of the documents, OPC shall notify the Company of the specific documents it intends to use in this proceeding. The remaining documents shall be returned to Southern Bell. It shall then be Southern Bell's responsibility to request confidential treatment of those portions of the documents which it seeks to protect from disclosure.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's Motion for Temporary Protective Order is granted as set forth in the body of this Order. It is further

ORDERED that this Temporary Protective Order shall expire upon a final determination of the confidential classification of the subject materials and information. It is further

ORDERED that this Order shall have no effect on the subsequent determination of any request for specified confidential classification of any of the subject materials and information.

ORDER NO. PSC-93-0598-CFO-TL
DOCKETS NOS. 920260-TL, 910163-TL, 910727-TL, 900960-TL
PAGE 3

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 19th day of April, 1993.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)
JKA

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 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.