

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-97-1008-CFO-TL  
ISSUED: August 22, 1997

ORDER GRANTING JOINT MOTION FOR PROTECTIVE ORDER

Pursuant to Section 271(d)(3) of the Telecommunications Act of 1996 (the Act), the Federal Communications Commission (FCC) has 90 days to issue a written determination approving or denying a Bell Operating Company's (BOC) application for interLATA authority. Further, the FCC is directed to consult with the appropriate State Commission before making a determination regarding the BOC's entry into the interLATA market. Specifically, the ACT requires the FCC to consult with the State Commission in order to verify the BOC's compliance 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. Evidence will be presented on whether BellSouth Telecommunications, Inc. (BellSouth) has met the requirements of Section 271(c) of the Act during the hearing which is scheduled to begin on September 2, 1997.

On August 20, 1997, BellSouth, on behalf of itself and all of the parties to this docket, filed a Joint Motion for Permanent Protective Order. By this Motion, the parties seek protection for alternative local exchange (ALEC)-specific information submitted by BellSouth in response to a subpoena by Commission staff, as well as protection for late-filed deposition exhibits for which a party has filed or will file a Notice of Intent to Seek Confidential Classification. BellSouth states that both it and the respective owners of the information consider this information to be proprietary and subject to Sections 364.183 and 364.24, Florida Statutes.

The parties ask that a Protective Order be issued and include the following conditions:

1. The dissemination of any proprietary information concerning ALEC parties will be

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- 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 the 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 the Order will cease to apply to such non-confidential information, but will remain in effect as to the remainder of the information;
  5. The Order will not apply to information already in the public domain; and
  6. The Order will supplement the procedure for use of confidential information set forth in the Prehearing Order and the Order Establishing Procedure issued in this Docket.

Having reviewed the Motion, I find that it complies with Rule 25-22.006(6), Florida Administrative Code, 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 the requirements set forth in the Motion are also appropriate. Thus, I hereby grant BellSouth's Joint Motion for Permanent Protective Order. I clarify, 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.

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Based on the foregoing, it is therefore

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that the Joint Motion for Permanent Protective Order filed by BellSouth Telecommunications, Inc., is hereby granted.

By ORDER of Chairman Julia L. Johnson, as Prehearing Officer, this 22nd Day of August, 1997.



JULIA L. JOHNSON  
Chairman 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.

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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 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.