

MEMORANDUM

June 25, 1998

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*

RE: DOCKET NO. 980733-TL - DISCOVERY RELATED TO STUDY ON FAIR AND REASONABLE RATES AND ON RELATIONSHIPS AMONG COSTS AND CHARGES ASSOCIATED WITH CERTAIN TELECOMMUNICATIONS SERVICES PROVIDED BY LOCAL EXCHANGE COMPANIES (LECS), AS REQUIRED BY CHAPTER 98-277, LAWS OF FLORIDA.

98-0843-PCO

Attached is an ORDER ON PROCEDURE FOR DISCOVERY AND ON THE HANDLING OF CONFIDENTIAL INFORMATION, to be issued in the above referenced docket. (Number of pages in order - 3)

BK/anr
Attachment
cc: Division of Communications
I: 980000a.bk

MUST GO TODAY

FAKED 33/2
MAILED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Discovery related to study on fair and reasonable rates and on relationships among costs and charges associated with certain telecommunications services provided by local exchange companies (LECs), as required by Chapter 98-277, Laws of Florida.

DOCKET NO. 980733-TL
ORDER NO. PSC-98-0843-PCO-TL
ISSUED: June 25, 1998

ORDER ON PROCEDURE FOR DISCOVERY AND ON THE
HANDLING OF CONFIDENTIAL INFORMATION

In accordance with the new Chapter 98-277, General Laws of Florida, the Commission is required, among other things, to study and report to the Legislature, by February 15, 1999, its conclusions regarding the fair and reasonable rate for Florida residential basic local telecommunications service. In order to effectuate the timely completion of the required report, the Commission has established this matter as Special Project No. 980000A-SP, Fair and Reasonable Residential Basic Local Telecommunications Rates. In conjunction with this Special Project, this Docket has been opened for discovery purposes related to the project. Formal intervention is not necessary to participate in either Special Project No. 980000A-SP or in Docket No. 980733-TL.

The Commission established this docket to address any discovery disputes that may arise. All discovery and related motions shall be filed in Docket No. 980733-TL. All other filings, including workshop participant comments and staff data requests, shall be filed under Special Project No. 980000A-SP, Fair and Reasonable Residential Basic Local Telecommunications Rates.

When discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within ten days of service of the discovery request. This procedure is intended to reduce delay in resolving discovery disputes.

All interrogatories, requests for admissions, and requests for production of documents shall be numbered sequentially in order to facilitate their identification. The discovery requests will be

DOCUMENT NUMBER-DATE

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numbered sequentially within a set and any subsequent discovery requests will continue the sequential numbering system. Unless subsequently modified by the Discovery Prehearing Officer, the following shall apply: interrogatories, including all subparts, shall be limited to 150, and requests for production of documents, including all subparts, shall be limited to 150.

Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the participants as confidential. The participants shall file such information under a claim of confidentiality, pursuant to Rule 25-22.006(5), Florida Administrative Code, and Section 364.183(1), Florida Statutes. Upon the filing of a claim of confidentiality, a temporary protective order will be issued to temporarily exempt the material from Section 119.07(1), Florida Statutes. In the event the material is made the subject of a public records request, the participant claiming confidentiality shall file a line-by-line request for confidential treatment, in accordance with Rule 25-22.006(4), Florida Administrative Code. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commissioner assigned to this docket. If no determination of confidentiality has been made and the information will not be retained as support for our Report, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information will not be retained as support for our report, it shall be returned to the person providing the information within the time period set forth in Section 364.183(2), Florida Statutes.

Discovery shall be completed by October 30, 1998.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, that the provisions of this Order shall govern the discovery in Docket No. 980733-TL unless modified by the Commission.

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By ORDER of Commissioner Susan F. Clark, this 25th Day of June, 1998.



SUSAN F. CLARK, Commissioner

(S E A L)

BK

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.

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.