

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for temporary waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Daytona Beach Port Orange Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 980946-TL

In re: Petition for waiver of physical collocation requirements set forth in the Telecommunications Act of 1996 and the FCC's First Report and Order, for the Boca Raton Boca Teeca Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 980947-TL

In re: Petition for waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Miami Palmetto Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 980948-TL

DOCUMENT NUMBER-DATE

04790 APR 15 88

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0717-PCO-TL
DOCKETS NOS. 980946-TL, 980947-TL, 980948-TL, 981011-TL,
981012-TL, 981250-TL
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In re: Petition for waiver of physical collocation requirements set forth in the Telecommunications Act of 1996 and the FCC's First Report and Order, for the West Palm Beach Gardens Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 981011-TL

In re: Petition for waiver of physical collocation requirements set forth in the Telecommunications Act of 1996 and the FCC's First Report and Order, for the North Dade Golden Glades Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 981012-TL

In re: Petition for temporary waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Lake Mary Main Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 981250-TL
ORDER NO. PSC-99-0717-PCO-TL
ISSUED: April 15, 1999

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ORDER GRANTING MOTION FOR PROTECTIVE ORDER

BY THE COMMISSION:

On July 27, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Temporary Waiver and two Petitions for Waiver from provisions set forth in the Telecommunications Act of 1996 (Act) and the Federal Communication Commission's (FCC) First Report and Order, FCC Order 96-325, which require the company to allow ALECs to physically collocate in its central offices unless it

. . . demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

47 U.S.C. § 251 (c)(6). On August 7, 1998, BellSouth filed two more Petitions for Waiver from the physical collocation requirements, Dockets No. 981011-TL and 981012-TL, and on October 1, 1998, BellSouth filed a sixth Petition for Temporary Waiver from the physical collocation requirements, Docket No. 981250-TL. The central offices at issue in these Dockets are the Daytona Beach Port Orange office, the Boca Raton Boca Teeca office, the Miami Palmetto office, the West Palm Beach Gardens office, the North Dade Golden Glades office, and the Lake Mary office, respectively. These Dockets have been set for an administrative hearing on June 9-11, 1999. Because these Dockets address the same subject matter, the Dockets have been consolidated for hearing purposes. By Order No. PSC-99-0476-PCO-TL, issued March 8, 1999, the procedure for these Dockets was established.

On April 2, 1999, BellSouth filed a Motion for Permanent Protective Order. BellSouth indicated that the parties to these consolidated dockets have no objections to the motion.

By this Motion, BellSouth seeks protection for alternative local exchange (ALEC)-specific information submitted by BellSouth in response to discovery requests or obtained through depositions of witnesses in this proceeding. 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.

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BellSouth asks that a Protective Order be issued and include the following conditions:

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 these dockets;
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.

Upon consideration, it appears that BellSouth's Motion 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, the requirements set forth in the Motion appear to be appropriate. Thus, BellSouth's Motion for Permanent Protective Order is granted. It is, however, emphasized that this Order does not preclude Commission staff from reviewing the information protected by this Order. This Order will govern the


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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 upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Permanent Protective Order is granted.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 15th day of April, 1999.


SUSAN F. CLARK
Commissioner and Prehearing Officer

(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.

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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 4, 19, 99
 Number of Originals 6 Copies Per Original 14
 Requested By P. H. H.

Item Presented _____
 Agenda For (Date) _____ Order No. 99-0717 In Docket No. 98101
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions _____

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Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>14</u>	<u>Commission Offices</u>	_____	_____
<u>2</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
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Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification
 Job Number 244 Verified By Michael
 Date and Time Completed 4/22 Job Checked For Correctness and Quality (Initial) U

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April 14, 1999

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99 APR 15 AM 10:28

TO: DIVISION OF RECORDS AND REPORTING

RECORDS AND
REPORTING

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

RE: DOCKET NO. 980946-TL - PETITION FOR TEMPORARY WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE 1996 TELECOMMUNICATIONS ACT AND THE FCC'S FIRST REPORT AND ORDER, FOR THE DAYTONA BEACH PORT ORANGE CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 980947-TL - PETITION FOR WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE TELECOMMUNICATIONS ACT OF 1996 AND THE FCC'S FIRST REPORT AND ORDER, FOR THE BOCA RATON BOCA TEECA CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 980948-TL - PETITION FOR WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE 1996 TELECOMMUNICATIONS ACT AND THE FCC'S FIRST REPORT AND ORDER, FOR THE MIAMI PALMETTO CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 981011-TL - PETITION FOR WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE TELECOMMUNICATIONS ACT OF 1996 AND THE FCC'S FIRST REPORT AND ORDER, FOR THE WEST PALM BEACH GARDENS CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 981012-TL - PETITION FOR WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE TELECOMMUNICATIONS ACT OF 1996 AND THE FCC'S FIRST REPORT AND ORDER, FOR THE NORTH DADE GOLDEN GLADES CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 981250-TL - PETITION FOR TEMPORARY WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE 1996 TELECOMMUNICATIONS ACT AND THE FCC'S FIRST REPORT AND ORDER, FOR THE LAKE MARY MAIN CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

99-0717-PCO

MUST GO TODAY

16/2

Attached is an ORDER GRANTING MOTION FOR PROTECTIVE ORDER, to be issued in the above-referenced docket. (Number of pages in order - 6)

BK/anr

Attachment

cc: Division of Communications

I: 981250pa.bk