

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

04792 APR 15 88

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0719-PCO-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-99-0719-PCO-TL
ISSUED: April 15, 1999

REVISED ORDER ON PROCEDURE

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

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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 March 31, 1999, our staff and the parties conducted a conference call. As a result of that discussion, an agreement was reached on certain procedural modifications that will expedite the handling of confidential materials in these Dockets. In addition, the parties agreed that an extension of time for filing direct and rebuttal testimony would be beneficial. The agreed modification appears appropriate. Order No. PSC-99-0476-PCO-TL is, therefore, modified as set forth herein. This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code.

Prefiled Testimony and Exhibits

In addition to the requirements set forth in Order No. PSC-99-0476-PCO-TL, testimony and exhibits relating directly to BellSouth's central offices shall be filed under confidential cover, subject to a Notice of Intent to Request Confidential Treatment filed by BellSouth. BellSouth shall be served with copies of the testimony by express mail or by hand delivery in order to expedite BellSouth's review of the testimony to determine whether it should request confidential treatment of portions of the testimony in accordance with Rule 25-22.006, Florida Administrative Code.

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Any testimony provided subject to BellSouth's Notice of Intent shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a subsequent request by BellSouth and formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time period set forth in Section 364.183, Florida Statutes.

Controlling Dates

The dates for filing direct and rebuttal testimony shall be modified as set forth below:

- 1) Utility's direct testimony and exhibits April 9, 1999
- 2) Intervenors' direct testimony and exhibits April 9, 1999
- 3) Staff's direct testimony and exhibits April 9, 1999
- 4) Rebuttal testimony and exhibits May 7, 1999

Use of Confidential Information At Hearing

As set forth in Order No. PSC-99-0476-PCO-TL, it is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding. Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183(4), Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7)

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days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute. Failure of any party to comply with the seven-day requirement described above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.

When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material. Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so. At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting's confidential files.

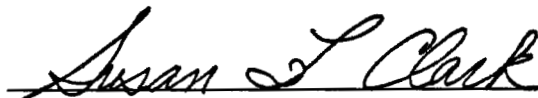
Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Order No. PSC-99-0476-PCO-TL is revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-99-0476-PCO-TL is reaffirmed in all other respects.

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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.

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,

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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 7 Copies Per Original 14
 Requested By Robert King

Item Presented _____
 Agenda For (Date) _____ Order No. 99-719 In Docket No. 980946
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>14</u>	<u>Commission Offices</u>		
<u>2</u>	<u>Docket Mailing List - Mailed</u>		
<u>16</u>	<u>Docket Mailing List - Faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 246 Verified By Michael
 Date and Time Completed 4/20 Job Checked For Correctness and Quality (Initial) MS

Mail Room Verification

Date Mailed / Verified By /

M E M O R A N D U M

April 14, 1999

RECEIVED-FPSC

99 APR 15 AM 10:28

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

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

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. *16/2*

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.

99-0719-PCO

MUST GO TODAY

Attached is an REVISED ORDER ON PROCEDURE, to be issued in the above-referenced docket. (Number of pages in order - 7)

BK/anr

Attachment

cc: Division of Communications

I: 981250RP.bk