

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

In re: Petition of Competitive
Carriers for Commission action
to support local competition in
BellSouth Telecommunications,
Inc.'s service territory.

DOCKET NO. 981834-TP
ORDER NO. PSC-99-1747-PCO-TL
ISSUED: September 7, 1999

**PROTECTIVE ORDER GOVERNING HANDLING OF
CONFIDENTIAL INFORMATION IN PHASE I
OF THIRD PARTY OSS TESTING**

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 Docket No. 960786-TL to begin to fulfill our consultative role.

On May 28, 1999, the Florida Competitive Carriers Association (FCCA) and AT&T Communications of the Southern States, Inc., (AT&T or FCCA/AT&T) filed a Motion for Independent Third Party Testing of BellSouth's Operational Support Systems. BellSouth filed its Response to this Motion on June 16, 1999. That same day, FCCA and AT&T filed a Supplement to the Motion for Third Party Testing. On June 17, 1999, ACI Corp. (ACI) filed a Motion to Expand the Scope

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of Independent Third Party Testing. On June 28, 1999, BellSouth responded to the Supplement filed by FCCA and AT&T. On June 29, 1999, BellSouth responded to ACI's Motion to Expand the Scope of Independent Third Party Testing. By Order No. PSC-99-1568-PAA-TP, issued August 9, 1999, we denied FCCA/AT&T's Motion for Third Party Testing and ACI's Motion to Expand the Scope of the testing, but we initiated Phase I of a third party OSS testing plan proposed by our staff. Phase I will be conducted for purposes of both Dockets Nos. 981834-TP and 960786-TL.

In order to implement Phase I, the Commission will select a vendor to develop the plan for us. To develop the plan, it will be necessary for the vendor to gather information from BellSouth, alternative local exchange providers (ALECs) and the Commission. BellSouth, in particular, will be required to provide information about its OSS systems and about its ALEC customers that may include proprietary business information and customer account information. Although Florida law presumes that documents submitted to governmental agencies, or entities operating on the agency's behalf, shall be public records, the law provides for specific statutory exemptions. Pursuant to Section 364.183, Florida Statutes, proprietary confidential business information obtained by the Commission or on its behalf shall be protected. Pursuant to Section 364.24, Florida Statutes, customer account records are also protected from disclosure unless authorized by the customer or as otherwise provided by law.

In view of the amount of confidential information likely to be used in this process and the complexity of handling such information, I find it appropriate to issue a Protective Order, which shall include the following conditions:

1. The dissemination of any proprietary information concerning BellSouth or ALECs during the implementation of Phase I will be limited to the selected testing vendor and Commission staff. Any proprietary information submitted to the vendor shall be clearly identified as confidential. The vendor, as the Commission's agent, shall protect any proprietary information obtained during the course of this proceeding as confidential information.

2. The use of any proprietary information protected under this Order shall be limited to Dockets No. 981834-TP and 960786-TL;
3. The provisions of this Order will continue to govern all proprietary information until 45 days after a final order is rendered by the Commission at the conclusion of Phase I or a court of competent jurisdiction determines 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;
4. If, however, Phase II of OSS testing is commenced within 45 days of the issuance of a final order in Phase I, this Order will continue to apply, unless and until supplemented or revised as may be necessary for the implementation of Phase II.
5. Unless otherwise specifically requested by the vendor, ALEC information will be furnished to the vendor in the aggregate; and
6. This Order will not apply to information already in the public domain.

These conditions comply with Rule 25-22.006, Florida Administrative Code, regarding protection of proprietary information in Commission proceedings. I emphasize that this Order does not preclude Commission staff from reviewing the information provided to the selected testing vendor and protected by this Order.

This Order will govern the handling of proprietary information as set forth herein until a final determination is made on specific items of information for which confidential treatment is requested or claimed, in accordance with Rule 25-22.006(4) or 25-22.006(5), Florida Administrative Code. Requests for confidential treatment or claims of confidentiality regarding information provided to the vendor must be made prior to the date that this Order, and any revisions or supplements thereto, cease to apply. In order to avoid duplicative filings, requests for confidential treatment,


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claims of confidentiality, and any other filings pertaining to Phase I shall be made in Docket No. 960786-TL.

It is, therefore

ORDERED by Joe Garcia, as Chairman and Prehearing Officer, that the provisions of this Order shall govern the conduct of this proceeding unless otherwise modified by the prehearing officer or the Commission.

By ORDER of Chairman Joe Garcia, as Prehearing Officer, this 7th Day of September, 1999.



JOE GARCIA
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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1)

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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.