

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Sprint-Florida, Incorporated regarding the practices of Thrifty Call, Inc. in the reporting of percent interstate usage for compensation for jurisdictional access services.

DOCKET NO. 991751-TP  
ORDER NO. PSC-99-2303-PCO-TP  
ISSUED: November 30, 1999

ORDER GRANTING TEMPORARY PROTECTIVE ORDER

On November 22, 1999, Sprint-Florida, Inc. (Sprint) filed a Complaint against Thrifty Call, Inc. (Thrifty Call) for Thrifty Call's practices in reporting Percent Interstate Usage (PIU) factors to Sprint. With its complaint, Sprint submitted an Emergency Motion for Protective Order, as well as a Request for Confidential Treatment, in accordance with Rule 25-22.006, Florida Administrative Code. Herein, I address only Sprint's Emergency Motion for Protective Order.

Sprint states that it believes that certain information contained in its complaint against Thrifty Call should be treated as confidential pursuant to Section 364.24, Florida Statutes, and Section 364.183, Florida Statutes, because it is information proprietary to another interexchange carrier. Therefore, Sprint has filed a redacted version of the complaint and has only served Thrifty Call with a redacted version of the complaint. Sprint acknowledges, however, that Thrifty Call will require an unredacted version of the complaint in order to adequately respond. Thus, Sprint asks that a protective order be issued protecting this information pending a final ruling on Sprint's Request for Confidential Treatment, so that Sprint may serve Thrifty Call with an unredacted version of the complaint. Sprint asserts that this request should be addressed on an expeditious basis to avoid delay in the complaint proceeding and to ensure that Thrifty Call is provided with complete information about the complaint now pending against it in a timely manner.

DOCUMENT NUMBER-DATE

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TCO-RECORDS/REPORTING

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Upon preliminary review, it does appear that Sprint's complaint contains information that should be protected in accordance with Section 364.183, Florida Statutes, and Section 364.24, Florida Statutes. Pursuant to Section 364.183, Florida Statutes, proprietary confidential business information obtained by the Commission must 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. Therefore, I hereby issue a temporary protective order exempting from Section 119.07(1), Florida Statutes, the material in Sprint's complaint against Thrifty Call that Sprint claims as confidential pending a ruling on Sprint's Request for Confidential Treatment. While this information is protected by this Order, only Commission staff, Sprint, and Thrifty Call shall have access to the information.

It is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the provisions of this Protective Order shall govern the conduct of this proceeding unless otherwise modified by the Prehearing Officer or the Commission.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 30th Day of November, 1999.

  
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J. TERRY DEASON  
Commissioner and Prehearing Officer

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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) 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.