

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards.

DOCKET NO. 991378-TL
ORDER NO. PSC-00-1382-PCO-TL
ISSUED: July 31, 2000

ORDER GRANTING MOTIONS FOR TEMPORARY PROTECTIVE ORDER

On September 10, 1999, this docket was established to require BellSouth Telecommunications, Inc. (BellSouth) to show cause why it should not be fined for failure to meet certain quality of service standards set forth in Chapter 25-4, Florida Administrative Code. On September 17, 1999, the Office of Public Counsel (OPC) filed its Notice of Intervention. At its October 19, 1999, Agenda Conference, the Commission voted to accept BellSouth's offer of settlement and to close the docket upon remittance of a voluntary contribution. The Commission's vote was memorialized by Proposed Agency Action Order No. PSC-99-2207-PAA-TL, issued November 9, 1999. On November 30, 1999, OPC filed a timely protest of the Order, and the matter was set for hearing.

On April 26, 2000, BellSouth filed two Motions for Temporary Protective Order seeking protection for its responses to OPC's First Set of Interrogatories and its responses to OPC's Revised First Request for Production of Documents, respectively, pursuant to Rule 25-22.006(6)(c), Florida Administrative Code. On June 9, 2000, BellSouth filed two more Motions for Temporary Protective Order seeking protection of its responses to OPC's Second Set of Interrogatories and OPC's Second Request for Production of Documents. Thereafter, on July 13, 2000, BellSouth filed a Motion for Temporary Protective Order seeking protection of its supplemental responses to OPC's Second Request for Production of Documents. On July 19, 2000, BellSouth filed an additional two Motions for Temporary Protective Order seeking protection of its responses to OPC's Third Set of Interrogatories and its responses to OPC's Third Request for Production of Documents.

BellSouth contends that the information contained in its responses to OPC's discovery is proprietary, confidential business information that should not be disclosed to the public. BellSouth indicates that the information includes, but is not limited to, marketing information, non-regulated operations information, and

DOCUMENT NUMBER-DATE

09209 JUL 31 8

FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-1382-PCO-TL
DOCKET NO. 991378-TL
PAGE 2

financial information. BellSouth adds that as soon as it is notified which documents and responses will be used in the proceeding before the Commission, BellSouth will file a detailed request for confidential treatment.

Upon preliminary review, it appears that BellSouth's responses contain information that should be protected in accordance with Section 364.183, Florida Statutes. Therefore, I hereby issue a temporary protective order exempting from Section 119.07(1), Florida Statutes, for the duration of this proceeding, BellSouth's responses and supplemental responses to OPC's First, Second, and Third Sets of Interrogatories and Revised First, Second and Third Requests for Production of Documents to BellSouth. While this information is protected by this Order, only Commission staff, BellSouth, and OPC shall have access to the information.

nbm Should this information be admitted into evidence at hearing, then BellSouth must file a specific request for a protective order in accordance with Rule 25-22.006(6)(c), Florida Administrative Code. Furthermore, if the protective order sought is based upon confidentiality, Rule 25-22.006(4)(a), Florida Administrative Code, requires that the request also meet the requirements of that subsection. Following any determination of confidentiality, all non-confidential information will then be made available to the public. Thus, should any of these responses be admitted at hearing, BellSouth will be required to request a protective order or specified confidential treatment for the information contained therein in accordance with Rule 25-22.006, Florida Administrative Code.

It is, therefore

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications Inc.'s April 26, 2000, June 9, 2000, July 13, 2000, and July 19, 2000, Motions for Temporary Protective Order are hereby granted as set forth in the body of this Order.

ORDER NO. PSC-00-1382-PCO-TL
DOCKET NO. 991378-TL
PAGE 3

By ORDER of Chairman J. Terry Deason, as Prehearing Officer,
this 31st Day of July, 2000.



J. TERRY DEASON
Chairman 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, procedural or intermediate ruling or order is available if review

ORDER NO. PSC-00-1382-PCO-TL
DOCKET NO. 991378-TL
PAGE 4

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.