

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
ORDER NO. PSC-01-1877-PCO-TL
ISSUED: September 20, 2001

ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL TREATMENT

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 this docket to begin to fulfill our consultative role. The matter was set for hearing.

After hearing, having considered the record, by Order No. PSC-97-1459-FOF-TL, issued November 19, 1997, we rendered findings on whether BellSouth had met the requirements of Section 271(c). Specifically, we found that BellSouth was not eligible to proceed under Track B at that time, because it had received qualifying requests for interconnection that if implemented would meet the requirements of Section 271(c)(1)(A), also known as Track A. Our evaluation of the record on whether BellSouth met the requirements of Section 271(c)(1)(A) indicated that while there was a competitive alternative in the business market, there was not sufficient evidence to determine whether there was a competitive alternative in the residential market. Thus, based on the evidence in the record, we found that BellSouth had not met all of the requirements of Section 271(c)(1)(A).

By Order No. PSC-97-1039-CFO-TL, issued September 2, 1997, we granted BellSouth's request for confidential treatment of Document Nos. 08478-97 and 07738-97. By Order No. PSC-97-1093-CFO-TL, issued September 22, 1997, we granted BellSouth's request for confidential treatment of Document Nos. 07722-97 and 08301-97. By Order No. PSC-97-1396-CFO-TL, issued November 5, 1997, we granted confidential treatment of Document Nos. 08416-97 and 09165-97. By

DOCUMENT NUMBER-DATE

11715 SEP 20 01

FPSC-COMMISSION CLERK

ORDER NO. PSC-01-1877-PCO-TL
DOCKET NO. 960786-TL
PAGE 2

Order No. PSC-97-1397-CFO-TL, issued November 5, 1997, we granted confidential treatment of Document Nos. 09168-97, 09261-97, 09264-97, 09267-97, 08802-97, 08482-97, 08839-97, 08863-97, 08884-97, 08523-97, 08757-97, 08917-97, 09067-97, 08521-97, and 08614-97.

On March 4, March 22, and May 5, 1999, BellSouth filed Requests for Extension of the Duration of the orders granting confidential treatment to these documents in accordance with Rule 25-22.006(9), Florida Administrative Code. BellSouth stated that these documents were still in Commission staff's possession. BellSouth also asserted that it continued to treat this information as confidential. Therefore, BellSouth asked that the confidentiality period for these documents be extended for a period of 18 months. Those requests for extension were granted by Order No. PSC-99-1475-CFO-TL, issued July 29, 1999.

On January 25, 2001, BellSouth filed a Request for Extension of Duration of Order NO. PSC-99-1475-CFO-TL. Therein, BellSouth contends that the reasons set forth in its original Requests for Confidential Treatment for maintaining this information as confidential still apply. BellSouth emphasizes that this is customer proprietary information that it treats as confidential and that has not otherwise been released. Therefore, BellSouth asks that the duration of the confidentiality period for these documents be extended for an additional 18 months.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Upon consideration, I find that BellSouth's request complies with Rule 25-22.006(9), Florida Administrative Code. I note that

ORDER NO. PSC-01-1877-PCO-TL
DOCKET NO. 960786-TL
PAGE 3

our staff has retained the information at issue because this Docket remains open and active. We have previously granted the information confidential treatment, and BellSouth asserts that it continues to treat the information as confidential. BellSouth further asserts that release of the information at this point in time would be detrimental to BellSouth. Therefore, BellSouth's requests shall be granted. The confidentiality period shall be extended for a period of 18 months from the issuance of this Order.


Based on the foregoing, it is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s January 25, 2001, Motion for Extension of Duration of Order PSC-99-1475-CFO-TL is granted. It is further

ORDERED that Document Nos. 08478-97, 07738-97, 07722-97, 08301-97, 08416-97, 09165-97, 09168-97, 09261-97, 09264-97, 09267-97, 08802-97, 08482-97, 08839-97, 08863-97, 08884-97, 08523-97, 08757-97, 08917-97, 09067-97, 08521-97, and 08614-97 shall continue to be classified confidential for a period of 18 months from the issuance of this Order, in accordance with Rule 25-22.006(9), Florida Administrative Code.

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 20th Day of September, 2001.


J. TERRY DEASON
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 the Commission Clerk and Administrative Services, 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.