

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cost recovery and
allocation issues for number
pooling trials in Florida.

DOCKET NO. 001503-TP
ORDER NO. PSC-02-1042-PCO-TP
ISSUED: August 1, 2002

ORDER GRANTING TEMPORARY PROTECTIVE ORDER FOR SPRINT

On September 29, 2000, this docket was established to address cost recovery and allocation issues for number pooling trials in Florida. On December 12, 2000, the Commission held a workshop. By Order No. PSC-02-0466-PAA-TP, issued April 5, 2002, (Consummating Order No. PSC-020590-CO-TP, issued April 30, 2002), we ordered that Commission regulated carriers seeking recovery file a petition with a cost recovery mechanism that would meet federal and state law and all supporting documents related to their cost analysis. In Order No. PSC-02-0967-PCO-TP, issued July 16, 2002, Sprint's request for an extension of time to file its petition was granted.

On July 5, 2002, Sprint-Florida, Incorporated (Sprint) filed its Request for Temporary Protective Order for Proprietary Information Provided in Responses to Citizens First Request for Production of Documents (Nos. 1-4) pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183(2), Florida Statutes. Sprint asserts that it considers the information contained in its response to request No. 2 to be proprietary and confidential. Sprint states that pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, it is requesting a temporary protective order to protect the confidential information pending a determination as to whether it will be used in a proceeding before the Commission. Sprint asserts it will file a specific request for confidentiality as required by the rule if the information is ultimately to be used in a proceeding before the Commission. Thus, Sprint contends that pending further ruling of the Commission regarding the confidential classification of the information, the information should be treated in a confidential manner pursuant to Section 364.183(2), Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

Upon preliminary review, it appears from the petition that Sprint's responses contain information that should be protected in accordance with Section 364.183, Florida Statutes. Pursuant to

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Section 364.183, Florida Statutes, proprietary confidential business information obtained by the Commission or Office of Public Counsel through discovery for which a request has been made shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission or return of the records to the person providing the records. Therefore, I hereby issue a temporary protective order exempting for Section 119.07(1), Florida Statutes, Sprint's responses to Citizens First Request for Production of Documents (Nos. 1-4) specifically Request No. 2 pending a formal ruling or return of the documents. While this information is protected by this Order, only Commission staff, Sprint, and OPC shall have access to the information.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Sprint-Florida, Incorporated's Request for Temporary Protective Order for Proprietary Information Provided in Responses to Citizens First Request for Production of Documents (Nos. 1-4) is hereby granted and that the responses to discovery are protected as set forth in the body of this Order. It is further

ORDERED that the provisions of this Temporary Protective Order shall govern the conduct of this proceeding unless otherwise modified by the Prehearing Officer or the Commission.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 1st day of August, 2002.



BRAULIO L. BAEZ
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.

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.