

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

DOCKET NO. 030867-TL

In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

DOCKET NO. 030868-TL

In re: Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

DOCKET NO. 030869-TL

In re: Flow-through of LEC switched access reductions by IXCs, pursuant to Section 364.163(2), Florida Statutes.

DOCKET NO. 030961-TI
ORDER NO. PSC-03-1268-PCO-TL
ISSUED: November 10, 2003

PROTECTIVE ORDER GOVERNING HANDLING OF CONFIDENTIAL INFORMATION

On August 27, 2003, Verizon Florida Inc. (Verizon), Sprint-Florida, Incorporated (Sprint), and BellSouth Telecommunications, Inc. (BellSouth), each filed petitions pursuant to Section 364.164, Florida Statutes, and respective Dockets Nos. 030867-TL, 030868-TL, and 030869-TL have been opened to address these petitions in the time frame provided by Section 364.164, Florida Statutes. During the 2003 Regular Session, the Florida Legislature enacted the Tele-Competition Innovation and Infrastructure Enhancement Act (Tele-

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Competition Act or Act). The Act became effective on May 23, 2003. Part of the new Tele-Competition Act is the new Section 364.164, Florida Statutes, whereby the Legislature established a process by which each incumbent local exchange telecommunications carrier (ILEC) may petition the Commission to reduce its intrastate switched network access rate in a revenue-neutral manner. This matter has been set for hearing on December 10-12, 2003.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

In order to address the issues in this proceeding, it will be necessary for the exchange of quite a bit of confidential information among the parties, and the Commission staff, as already evidenced by the numerous requests for protective orders filed in these Dockets. 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 proceeding and the complexity of handling such information in the shortened timeframe contemplated by Section 364.164, Florida Statutes, it is appropriate to issue a Protective Order governing the handling of confidential information in this proceeding, which shall include the following conditions:

1. The dissemination of any proprietary information to any party to this proceeding will be limited to parties' counsel of record, consultants working directly for counsel, persons identified to testify at the technical hearing, those persons otherwise authorized to

- review confidential information pursuant to protective agreements between the parties, and Commission staff;
2. The use of any proprietary information protected under the Order will be limited to these dockets;
 3. The provisions of this Order will continue to govern all proprietary information 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 or until 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. The Order will not apply to information already in the public domain; and
 5. The Order will supplement the procedure for use of confidential information set forth in the Order Establishing Procedure issued in these Dockets.

The outlined procedures comply with Rule 25-22.006(6), Florida Administrative Code, regarding protection of proprietary information in Commission proceedings. In view of the amount of confidential information that will likely be used at the hearing, and the complexity of handling such information, the requirements set forth are appropriate. I clarify, however, that this Order does not preclude Commission staff from reviewing the information protected by this Order. This Order will govern the handling of proprietary information in this docket until a final determination is made on specific items of information for which confidential treatment is requested. It should also be noted that parties filing claims for confidential treatment pursuant to Rule 25-

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22.006(5), Florida Administrative Code, must be mindful of the further requirements of Rule 25-22.006(8)(b), Florida Administrative Code, should such information ultimately be entered into the record of the proceeding.

It is therefore

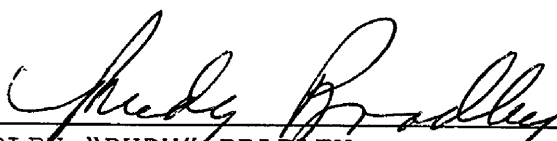
ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the provisions of this Order shall govern the conduct of this proceeding unless otherwise modified by the prehearing officer or the Commission. It is further

ORDERED that this Order renders moot any and all pending Motions for Protective Orders. It is further

ORDERED that pending Requests for Confidential Classification will be addressed in due course. It is further

ORDERED that this Docket shall remain open pending resolution of the matters to be addressed at hearing.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 10th Day of November, 2003.



RUDOLPH "RUDY" BRADLEY
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

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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; or (2) 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.