

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint of Florida Competitive Carriers Association against BellSouth Telecommunications, Inc. regarding BellSouth's practice of refusing to provide FastAccess Internet Service to customers who receive voice service from a competitive voice provider, and request for expedited relief.

DOCKET NO. 020507-TL
ORDER NO. PSC-04-0902-CFO-TL
ISSUED: September 15, 2004

ORDER GRANTING BELL SOUTH'S MOTION FOR EXTENSION OF DURATION OF
ORDER GRANTING CONFIDENTIALITY FOR DOCUMENT NO. 13755-02

On June 12, 2002, the Florida Competitive Carriers Association (FCCA) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) and a Request for Expedited Relief seeking relief from BellSouth's practice of refusing to provide its FastAccess service to customers who receive voice service from an Alternative Local Exchange Carrier (ALEC). By Order No. PSC-02-0935-PCO-TL, issued July 12, 2002, the request for expedited relief was denied. On July 21 and 22, 2003, an administrative hearing was held in the above matter. On November 20, 2003, a recommendation was filed for consideration at the December 2, 2003, Agenda Conference. At the December 2, 2003, Agenda Conference, the post hearing recommendation was deferred.

On August 30, 2004, BellSouth filed its Motion for Extension of Duration of Order No. PSC-03-0045-CFO-TL granting its Request for Confidential Treatment of Document No. 13755-02. BellSouth states that the reasons it asserted in support of the confidential treatment in the original Request for Confidential Treatment continue to pertain. BellSouth contends that specifically, there is still a need to protect customer specific-proprietary business information and information which is not subject to public disclosure.

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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida

DOCUMENT NUMBER-DATE
10011 SEP 15 04
FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0902-CFO-TL
DOCKET NO. 020507-TL
PAGE 2

Administrative Code. The information at issue has been retained by our staff since this matter remains open. This information has been previously granted the information confidential treatment, and BellSouth asserts that it continues to treat the information as confidential. BellSouth further asserts that there is still a need to protect consumer specific-proprietary business information. Therefore, BellSouth's request 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

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Extension of Duration of Order No. PSC-03-0045-CFO-TL granting its Request for Confidential Treatment of Document No. 13755-02 is hereby granted and incorporated by reference into this Order. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. It is further

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 Chairman Braulio L. Baez, as Prehearing Officer, this 15th day of September, 2004.


BRAULIO L. BAEZ
Chairman and Prehearing Officer

(SEAL)

PAC

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.