

MEMORANDUM

AUGUST 18, 1998

RECEIVED-FPSC
98 AUG 19 PM 1:47
RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*

RE: DOCKET NO. 980733-TL - DISCOVERY RELATED TO STUDY ON FAIR AND REASONABLE RATES AND ON RELATIONSHIPS AMONG COSTS AND CHARGES ASSOCIATED WITH CERTAIN TELECOMMUNICATIONS SERVICES PROVIDED BY LOCAL EXCHANGE COMPANIES (LECS), AS REQUIRED BY CHAPTER 98-277, LAWS OF FLORIDA.

98-1113 - CFD-TL

Attached is an ORDER GRANTING REQUEST FOR TEMPORARY PROTECTIVE ORDER, to be issued in the above referenced docket. (Number of pages in order - 3)

BK/anr
Attachment
cc: Division of Communications
I: 733it.bk

MUST GO TODAY

Sent to M.R.

8/20/98

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Discovery related to study on fair and reasonable rates and on relationships among costs and charges associated with certain telecommunications services provided by local exchange companies (LECs), as required by Chapter 98-277, Laws of Florida.

DOCKET NO. 980733-TL
ORDER NO. PSC-98-1113-CFO-TL
ISSUED: August 20, 1998

ORDER GRANTING REQUEST FOR TEMPORARY PROTECTIVE ORDER

In accordance with the new Chapter 98-277, General Laws of Florida, the Commission is required, among other things, to study and report to the Legislature, by February 15, 1999, its conclusions regarding the fair and reasonable rate for Florida residential basic local telecommunications service. In order to effectuate the timely completion of the required report, the Commission has established this matter as Special Project No. 980000A-SP, Fair and Reasonable Residential Basic Local Telecommunications Rates. In conjunction with this Special Project, this Docket has been opened for discovery purposes related to the project.

By Order No. PSC-98-0843-PCO-TL, issued June 25, 1998, the procedure for this Docket was established. In accordance with that Order, any information provided pursuant to a discovery request for which confidential treatment is requested shall be treated by us and the participants as confidential. Also, in accordance with that Order, the participants are required to file a claim of confidentiality, pursuant to Rule 25-22.006(5), Florida Administrative Code, and Section 364.183(1), Florida Statutes.

On August 3, 1998, ITS Telecommunications Systems, Inc. (ITS) requested that a Temporary Protective Order be entered covering certain information in its responses to the Attorney General's and the Citizens' First Requests for Production of Documents, in accordance with Order No. PSC-98-0843-PCO-TL. ITS asserted that the information is confidential and should not be disclosed, in accordance with Section 364.24, Florida Statutes, and Section 119.07(3)(r), Florida Statutes. ITS' request was properly

DOCUMENT NUMBER-DATE

08963 AUG 20 98

FPSC-RECORDS/REPORTING

ORDER NO. PSC-98-1113-CFO-TL
DOCKET NO. 980733-TL
PAGE 2

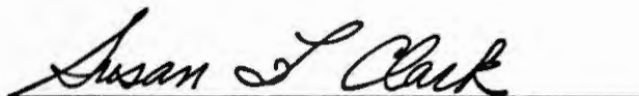
submitted. Thus, pursuant to Rule 25-22.006(5) and Rule 25-22.006(6)(b), Florida Administrative Code, and in accordance with Order No. PSC-98-0843-PCO-TL, a temporary protective order is hereby issued exempting the material from Section 119.07(1), Florida Statutes, for the duration of our investigation regarding the fair and reasonable rate for Florida residential basic local telecommunications service. While this information is protected by this Order, only Commission staff, the Attorney General, the Public Counsel, and those participants with whom ITS has a non-disclosure agreement shall have access to the information.

In the event the material is made the subject of a public records request, ITS shall file a line-by-line request for confidential treatment, in accordance with Rule 25-22.006(4), Florida Administrative Code. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling, and shall be handled in accordance with the provisions of Order No. PSC-98-0843-PCO-TL, issued July 25, 1998.

It is therefore

ORDERED by Commissioner Susan F. Clark, that the information discussed herein is exempt from Section 119.07(1), Florida Statutes, to the extent set forth in the body of this Order and in accordance with Section 364.183, Florida Statutes.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 20th day of August, 1998.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

BK

ORDER NO. PSC-98-1113-CFO-TL
DOCKET NO. 980733-TL
PAGE 3

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.

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 25-22.038(2), 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 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.