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February 20, 2001

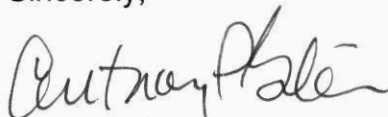
Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 990362-TI
Initiation of Show Cause Proceeding Against GTE Communications
Corporation for Apparent Violation of Rule 25-4.118, F.A.C., Local, Local Toll,
or Toll Provider Selection

Dear Ms. Bayo:

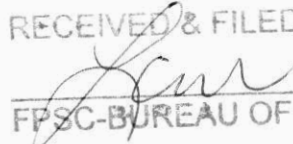
Please find enclosed for filing an original and fifteen copies of Verizon Select Services
Inc.'s Opposition to Office of Public Counsel's Motion to Compel Compliance With
Agreement and to Provide Other Relief in the above matter. Service has been made
as indicated on the Certificate of Service. If there are any questions regarding this
matter, please contact me at 813-483-2617.

Sincerely,


Kimberly Caswell

KC:tas
Enclosures

- APP _____
- CAF _____
- CMP _____
- COM 5 _____
- CTR _____
- ECR _____
- LEG 1 _____
- OPC _____
- PAI _____
- RGO _____
- SEC 1 _____
- SER _____
- OTH _____

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02329 FEB 20 01

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of Show Cause Proceeding)
Against GTE Communications Corporation)
for Apparent Violation of Rule 25-4.118, F.A.C.,)
Local, Local Toll, or Toll Provider Selection)
_____)

Docket No. 990362-T1
File: February 20, 2001

**VERIZON SELECT SERVICES INC.'S OPPOSITION TO
OFFICE OF PUBLIC COUNSEL'S MOTION TO COMPEL COMPLIANCE
WITH AGREEMENT AND TO PROVIDE OTHER RELIEF**

On February 8, 2001, the Office of Public Counsel (OPC) filed a Motion claiming that Verizon Select Services Inc. (VSSI) has violated Commission Rule 25-22.006, which sets forth procedures for seeking protective orders for confidential information produced in discovery. OPC is, once again, incorrect in its reading of this Commission Rule.

Through requests for temporary protective orders, Verizon has claimed confidential treatment for certain documents submitted by VSSI and OPC in this proceeding. These items, which are listed in OPC's Motion, include OPC's depositions of VSSI employees Larry Commons and Wayne Weaver, the direct testimony of VSSI witnesses Joseph Caliro and Christopher Owens, and the direct and supplemental direct testimony of OPC witness Earl Poucher. OPC argues that Commission Rule 25-22.006 requires VSSI to file specific requests for confidential classification now and asks the Commission to issue an order directing VSSI to do so immediately.

There is no basis for such an order. Subsection (8)(b) of Rule 25-22.006 states that when information subject to a claim of confidentiality "is admitted into the evidentiary record of a hearing," the party claiming confidentiality "shall file a request for

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FPSC-RECORDS/REPORTING

confidential classification within 21 days of the conclusion of the hearing” in order to maintain continued confidentiality.

Of course, the hearing in this case has not yet occurred. As such, VSSI is not required to file any specific confidential requests now; rather, it must do so within 21 days after the hearing.

Commission Order PSC-00-1140-PCO-TL, issued June 23, 2000, confirms VSSI’s reading of the plain language of Rule 25-22.006. In that instance, the OPC advanced the same reading of the Rule that it does here and asked for the same relief--an immediate filing for a permanent protective order. The Commission denied OPC’s request in that case, just as it should here.

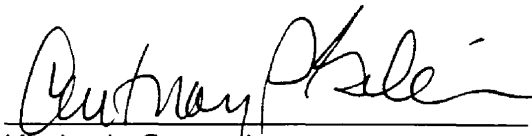
It is true, as OPC notes, that VSSI voluntarily agreed, in the spirit of compromise, to file specific requests for confidential treatment of the materials at issue here before the hearing. VSSI had initially agreed with OPC on a February 2, 2001 date for filing such requests. However, due to the parties’ discussions directed toward resolution of this case, VSSI informed OPC it would not file the requests on February 2. VSSI assured OPC, however, that in the event of a hearing, VSSI would file the requests before the hearing. So OPC should know there is no basis for its assertion that a closed hearing will be “inevitable” if the Commission denies OPC’s Motion.

Once again, under the Commission’s Rule 25-22.006 (and the above-cited Order interpreting that Rule), VSSI is *not* required to file for a permanent protective order until 21 days after the claimed confidential information is submitted into evidence at the hearing. Nevertheless, if it is clear this case is going to hearing, VSSI will, within a reasonable time before the hearing, voluntarily file requests for confidential classification

with regard to the documents at issue in OPC's Motion. No party is prejudiced by this approach; OPC can prepare its case just as it would otherwise, and there is no danger that the hearing will be closed to the public.

For all the reasons stated here, VSSI asks the Commission to deny OPC's Motion.

Respectfully submitted on February 20, 2001.

By: 
for Kimberly Caswell
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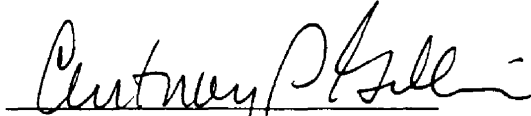
Attorney for Verizon Select Services Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of Verizon Select Services Inc.'s Opposition to Office of Public Counsel's Motion to Compel Compliance With Agreement and to Provide Other Relief in Docket No. 990362-TI were sent via overnight delivery on February 19, 2001 to:

Lee Fordham
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Charles J. Beck, Deputy Public Counsel
Office of Public Counsel
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400


Kimberly Caswell