

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) For apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

DOCKET NO. 990362-TI  
ORDER NO. PSC-01-0672-PCO-TI  
ISSUED: March 20, 2001

ORDER GRANTING REQUEST FOR TEMPORARY PROTECTIVE ORDER

The Commission opened this docket to address numerous complaints against Verizon Select Services, Inc. f/k/a GTE Communications Corporation (Verizon) for unauthorized carrier changes in violation of Rule 25-4.118, Florida Administrative Code. Verizon offered the Commission a settlement agreement to resolve the matter, which the Commission approved by Proposed Agency Action Order No. PSC-00-1348-PAA-TI, issued July 26, 2000. The Office of Public Counsel (OPC) protested the PAA order on August 16, 2000. An evidentiary hearing has been set for this proceeding, as requested.

On January 24, 2001, BellSouth Telecommunications, Inc. (BST) filed a Motion for Temporary Protective Order covering documents delivered to OPC pursuant to subpoena served in this Docket. BST alleges that the documents contain, among other things, customer specific information, and other confidential business information. Such information is specifically included as proprietary confidential business information pursuant to Section 364.183(3), Florida Statutes.

As the Commission has recognized:

The purpose of a temporary protective order issued pursuant to Rule 25-22.006(5)(c),<sup>1</sup> Florida Administrative Code, is to facilitate the examination of potentially confidential information by temporarily exempting the information from the disclosure provision of Florida's Public Records Act, Section 119.07(1), Florida Statutes. Under the rule, if information subject to a temporary

---

<sup>1</sup> Paragraph (5)(c) was renumbered to paragraph (6)(c) when the rule was amended on April 21, 1996.

DOCUMENT NUMBER-DATE

03444 MAR 20 01

FPSC RECORDS REPORTING

ORDER NO. PSC-01-0672-PCO-TI  
DOCKET NO. 990362-TI  
PAGE 2

protective order is to be used in a proceeding, then the utility must file a specific request for confidential treatment. Alternatively, if the material is not to be used in a proceeding, then the material shall be returned to the utility.


In re: Comprehensive review of the requirements and rate stabilization plan of Southern Bell Telephone and Telegraph Company, Order No. PSC-96-0975-PCO-TL, 96 F.P.S.C. 7:639 (1996). BST does not object to filing a detailed request if OPC decides to use any of the confidential information in the hearing.

BST's Motion for Temporary Protective Order is granted. The confidential documents delivered to OPC under subpoena shall be exempt from Section 119.07(1), Florida Statutes, pending their return to BST if they are not used, or a ruling on BST's Specific Request for Confidential Classification if they are used during the hearing. While the above information is protected by this Order, only Commission staff, BST, and OPC shall have access to the information.

It is, therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the Motion for Temporary Protective Order by BellSouth Telecommunications, Inc., is hereby granted as discussed above.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 20th day of March, 2001.

  
LILA A. JABER  
Commissioner and Prehearing Officer

( S E A L )

MAH

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 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.