

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Investigation into pricing of unbundled
network elements (BellSouth track).

DOCKET NO. 990649A-TP
ORDER NO. PSC-04-0204-CFO-TP
ISSUED: February 25, 2004

ORDER GRANTING BELL SOUTH'S REQUESTS FOR
EXTENSION OF DURATION OF ORDER NOS. PSC-02-0561-CFO-TP (REFERENCING
DOCUMENT NO. 03321-02)
AND PSC-02-0659-CFO-TP (REFERENCING DOCUMENT NO. 03004-02 AND CROSS-
REFERENCED NO. 02487-02)

On October 23, 2003, BellSouth Telecommunications, Inc. (BellSouth) filed a Motion for Extension of Duration of Order No. PSC-02-0561-CFO-TP, issued March 8, 2002, which granted confidential treatment to Revised Hearing Exhibit 17 (Document No. 03321-02). Subsequently, on November 13, 2003, BellSouth filed a Motion for Extension of Duration of Order No. PSC-02-0659-CFO-TP, issued May 14, 2002, which granted confidential treatment to BellSouth's responses to Staff's Third Set of Interrogatories, Nos. 28(e) and 29 (Document No. 03004-02 and cross-referenced Document No. 02487-02).

BellSouth contends that the bases upon which confidential classification was originally requested and granted for these documents continue to apply. Furthermore, BellSouth still considers the information to be proprietary and treats it as such. Therefore, BellSouth asks that the confidentiality period for these documents be extended for a period of 18 months.

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.

Upon consideration, I find that BellSouth's requests comply with Rule 25-22.006(9), Florida Administrative Code. I note that our staff has retained the information at issue because this Docket, while bifurcated, remains open because it is on appeal. We have previously granted the information confidential treatment, and BellSouth asserts that it continues to treat the information as confidential. BellSouth further asserts that release of the information at this point in time would be detrimental to BellSouth. Therefore, BellSouth's request shall be granted. The

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confidentiality period shall be extended for a period of 18 months from the issuance of this Order.

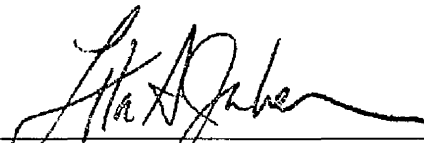
Based on the foregoing, it is therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Requests for Extension of Duration of Order Nos. PSC-02-0561-CFO-TP and PSC-02-0659-CFO-TP are hereby granted. 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 identified 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 Commissioner Lila A. Jaber, as Prehearing Officer, this 25th day of February, 2004.



LILA A. JABER
Commissioner and Prehearing Officer

(SEAL)

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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 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.