

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth
Telecommunications, Inc. for waiver of Rules
25-4.107, 25-4.108, and 25-4.113, F.A.C.,
which require provision of basic
telecommunications service to certain locations
and persons.

DOCKET NO. 000028-TL
ORDER NO. PSC-04-0224-CFO-TL
ISSUED: February 27, 2004

ORDER GRANTING MOTION FOR EXTENSION OF DURATION OF ORDER GRANTING
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO.
02506-02 (CROSS-REFERENCE DOCUMENT NO.03380-02)

BY THE COMMISSION:

On January 10, 2000, the Commission received a petition from BellSouth Telecommunications, Inc. (BellSouth) seeking a waiver of Rules 25-4.107, 25-4.108 and 25-4.113, Florida Administrative Code, pursuant to Section 120.542, Florida Statutes. On February 4, 2002, an administrative hearing was held in this matter. On March 4, 2002, BellSouth filed its post-hearing brief which BellSouth claimed contained confidential information. On March 22, 2002, BellSouth filed its Request for Specified Confidential Classification for portions of BellSouth's Post-Hearing Brief pursuant to Rule 25-22.006, Florida Administrative Code. By Order No PSC-02-0597-CFO-TP, issued May 1, 2002, BellSouth's Request for Specified Confidential Classification for portions of BellSouth's Post-Hearing Brief was granted.

On November 13, 2003, BellSouth filed a Motion for Extension of Duration of Orders Granting Confidential Classification. BellSouth states that the reasons it asserted in support of its original Request for Confidential Treatment for portions of its Post-Hearing Brief continue to pertain. BellSouth asserts that there is still a need to protect customer-specific proprietary business information and information which is not subject to public disclosure. BellSouth contends that the information requested remains in the possession of this Commission's staff. BellSouth hereby requests that this Commission enter an Order extending the period of confidential classification for an additional 18 months, or for any longer period of time that the documents remain within the possession of this Commission's staff.

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

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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 request complies with Rule 25-22.006(9), Florida Administrative Code. I note that our staff has retained the information at issue because this Docket remained open while on appeal. We have previously granted the information confidential treatment, and BellSouth asserts that release of the information at this point in time would cause harm to its ratepayers. 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.

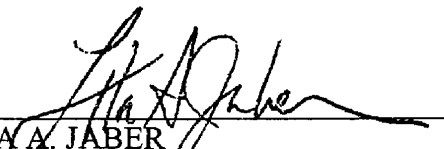
Based on the foregoing, it is

ORDERED by Commissioner, Lila A. Jaber, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Extension of Duration of Orders Granting Confidential Classification for Order No. PSC-02-0597-CFO-TP is 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 27th 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.