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Marsha E. Rule  
Attorney

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October 17, 1997

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

Dear Mrs. Bayo:

Re: DOCKET NO. 97032-TI

You will find enclosed an original and fifteen (15) copies of AT&T's Request for Temporary and Permanent Protective Order for filing in the above-referenced docket. Also enclosed is an additional copy of the pleading to be stamped by your office and returned to us in the enclosed self-addressed, stamped envelope.

Yours truly,

*Marsha E. Rule*  
Marsha E. Rule *rpm*

ACK   
AFA \_\_\_\_\_  
APP *Caldwell*  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_ *mr*  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
LIR *5*  
CIR \_\_\_\_\_  
RC *1*  
SE *1*  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rule 25-24.845, F.A.C. )  
Customer Relations; Rules Incorporated, )  
and proposed amendments to Rules )  
25-4.003, F.A.C., Definitions; 25-4.110, )  
F.A.C., Customer Billing; 25-4.118, F.A.C., )  
Interexchange Carrier Selection; 25-24.490, )  
F.A.C., Customer Relations; Rules )  
Incorporated. )

Docket No. 970882-TT

Filed: 10-17-97

AT&T's REQUEST  
FOR TEMPORARY AND PERMANENT PROTECTIVE ORDER

Comes now AT&T Communications of the Southern States, Inc. (AT&T), and pursuant to Rule 22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, files this Request for Temporary and Permanent Protective Order. In support, AT&T shows as follows:

1. On September 10, 1997, the Office of the Public Counsel (OPC) filed a Request for Production of Documents upon AT&T. AT&T filed its initial objections to certain portions of such request on September 22, 1997. On October 10, 1997, AT&T filed its responses and further objections to OPC's discovery request, making documents available for inspection and copying on October 14, 1997. Thereafter, AT&T produced certain information pursuant to subpoena on October 17, 1996.

2. Certain documents and information requested by OPC include customer account record information, disclosure of which is prohibited by Section 364.24, Florida Statutes. Although such information may be obtained by subpoena, AT&T requests a Protective Order limiting Public Counsel's use of such information. Specifically, AT&T requests that the Protective Order specify that Public Counsel may not use customer

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account record information obtained pursuant to subpoena to contact customers whose identity is revealed by the information produced.

3. Section 364.24, Florida Statutes, is intended to protect customer privacy. Allowing a person who obtains customer account information via subpoena to contact customers is antithetical to the purpose of the statute. It is irrelevant that OPC, rather than another telecommunications carrier, is the requesting party: the statute does not purport to protect customer privacy in some instances but not others. If OPC is allowed to contact customers of a telecommunications company based on account information obtained via subpoena, the parties in this docket will similarly be able to subpoena similar records from their competitors and contact those customers. The terms and purpose of the statute apply equally to all who obtain protected information.

4. The undersigned attorney has provided OPC with all responsive documents in her possession as requested by OPC, with customer names, addresses and telephone numbers redacted pending resolution of this petition. No information was redacted from documents which are publicly available. Thus, OPC's investigation in this docket may proceed in any way short of customer contact. Nevertheless, AT&T requests the Prehearing Officer to address this matter as soon as possible.

WHEREFORE, AT&T respectfully requests the Commission to grant its Motion for Temporary and Permanent Protective Order in regard to customer account information subpoenaed by OPC in connection with its First Set of Requests for Production of Documents to AT&T.

Respectfully submitted this 17th day of October, 1997.

Marsha E. Rule

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**ATTORNEY FOR AT&T  
COMMUNICATIONS OF THE  
SOUTHERN STATES, INC.**

**CERTIFICATE OF SERVICE**

**Docket No. 970882-TI**

**I HEREBY CERTIFY** that a true copy of the foregoing has been furnished by U.S. Mail this 17<sup>th</sup> day of October, 1997, to the following parties:

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Assistant Attorney General  
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Tallahassee, FL 32399-1400**

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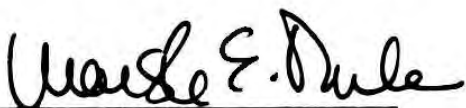
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**Marsha E. Rule**