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April 24, 2009 – **VIA ELECTRONIC MAIL**

Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 080278-TL  
Joint Petition for show cause proceedings against Verizon Florida LLC for  
apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and  
impose fines, by the Office of the Attorney General, Citizens of the State of  
Florida, and AARP

Dear Ms. Cole:

Enclosed for filing in the above matter is Verizon Florida LLC’s Motion for Temporary Protective Order in connection with its responses to Citizens’ First Request for Production of Documents (Nos. 1-14) and Second Request for Production of Documents (No. 15). Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 678-259-1449.

Sincerely,

s/ Dulaney L. O’Roark III

Dulaney L. O’Roark III

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Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Petition for show cause proceedings ) Docket No. 080278-TL  
against Verizon Florida LLC for apparent violation of ) Filed: April 24, 2009  
Rule 25-4.070, F.A.C., service availability, and )  
impose fines, by the Office of the Attorney General, )  
Citizens of the State of Florida, and AARP )  
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**VERIZON FLORIDA LLC'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, Verizon Florida LLC ("Verizon") hereby moves the Commission, through the Prehearing Officer, for a temporary protective order providing confidential treatment for certain confidential documents (the "Confidential Documents") that are responsive to the First and Second Requests for Production of Documents from the Office of Public Counsel ("OPC") in this proceeding. Verizon also moves that the Confidential Documents be exempt from Section 119.07(1).

OPC's First and Second Requests for Production of Documents requests Verizon to produce, among other things, internal management communications, reports, analyses, budgets and similar documents relating to matters including Verizon's internal operations and operating procedures, repair performance and results, employee performance goals, employee headcount, resource allocation, customer line information, customer survey results and customer complaints, much of which Verizon treats confidentially. The Confidential Documents fall within Florida Statutes section 364.183(3), which defines "proprietary confidential business information" as:

Information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Section 364.183(3)(a), Florida Statutes, expressly provides that "trade secrets" fall within the definition of "proprietary confidential business information." Florida Statutes section 364.183(3)(e) further provides that "proprietary confidential business information" includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information."

If competitors were able to acquire the detailed and sensitive information in the Confidential Documents being requested by OPC, they could more easily develop entry and marketing strategies to ensure success in competing with Verizon. This would afford them an unfair advantage while severely jeopardizing Verizon's competitive position. In a competitive business, any knowledge obtained about a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. This unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunications consumer.

Rule 25-22.006(6)(c) provides in relevant part:

[T]he utility may request a temporary protective order exempting the information from Section 119.07(1), Florida Statutes. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

Verizon respectfully requests that the Commission enter a temporary protective order affording Verizon the protection that is needed to allow OPC to take possession of the Confidential Documents. While a ruling on this request is pending, Verizon understands that the Confidential Documents will be exempt from Florida Statutes section 119.07(1) and that OPC will accord it the stringent protection from disclosure required by Rule 25-22.006(3)(d).

Verizon has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion.

WHEREFORE, Verizon respectfully requests that the Commission enter a temporary protective order protecting the Confidential Documents against public disclosure.

Respectfully submitted on April 24, 2009.

By: s/ Dulaney L. O’Roark III  
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Attorney for Verizon Florida LLC

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on April 24, 2009 to:

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s/ Dulaney L. O’Roark III