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Kimberly Caswell
Counsel

GTE SERVICE CORPORATION
One Tampa City Center
201 North Franklin Street (33602)
Post Office Box 110, FLTC0007
Tampa, Florida 33601-0110
813-483-2606
813-204-8870 (Facsimile)

April 17, 2000

Ms. Ann Cole, Clerk
State of Florida
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

980253-TX

Re: GTE Florida Incorporated v. Florida Public Service Commission -
Case No. 99-5368RP; BellSouth Telecommunications Inc. v. Florida Public
Service Commission - Case No. 99-5369RP

Dear Ms. Cole:

Please find enclosed an original and one copy of GTE Florida Incorporated's Motion for Protective Order for filing in the above matters. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this matter, please contact me at (813) 483-2617.

Sincerely,

Kimberly Caswell

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~~Enclosures~~

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC 1
- WAW _____
- OTH _____

A part of GTE Corporation

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

information. Some of the information disclosed by Ms. Martin is, in addition, considered confidential by the market research firm that compiled it, as well as by GTE. GTE paid for this information and it has substantial commercial value to the market research firm.

Ms. Martin plans to include this third-party research data in one of her exhibits at the hearing (described as "PNR competitive data" in the prehearing stipulation). In addition, because one of the central issues in this proceeding is the level of local competition, GTE expects that examination of Company witnesses by both GTE and Commission lawyers at the hearing will lead to the disclosure of competitively sensitive GTE-confidential information.

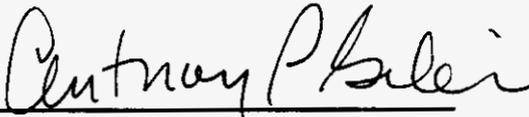
GTE has not publicly disclosed the confidential information at issue and closely guards it within the company. All of the confidential information is competitively sensitive in that GTE's competitors could use it to tailor their entry and marketing strategies to help them successfully compete against GTE. Conferring this artificial advantage upon competitors would disrupt the fair and efficient functioning of the telecommunications marketplace, to the ultimate detriment of the consumer.

The Florida Rules of Civil Procedure allow a party to move for a protective order to ensure that "a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way." (F.R.Civ.P. 1.280(c).) All of the information GTE seeks to protect from public disclosure is confidential research and/or commercial information. GTE thus seeks an order limiting its disclosure in the following ways: (1) the deposition transcripts of Ms. Martin and Ms. Tuttle (or at least the confidential portions designated by GTE) should be sealed and protected from public disclosure; (2) Ms. Martin's exhibit disclosing

confidential market share information and third-party research should also be placed under seal; and (3) the oral testimony of Ms. Martin and Ms. Tuttle should be received in the presence of only Commission, Staff, and GTE personnel, as well as BellSouth personnel who have executed a protective agreement with GTE; and (4) those portions of the hearing transcript containing GTE-confidential information should be placed under seal.

The confidential information at issue is the kind of information for which the Commission typically grants protection from public disclosure under its confidentiality procedures. GTE is not familiar with any such procedures at DOAH, but has proposed measures it believes will meet the objective of protecting its confidential information from public disclosure. If the Judge believes that objective can better be met with other measures, then GTE asks her to issue a protective order embodying these alternative measures.

Respectfully submitted on April 17, 2000.

By: 
Kimberly Caswell
Post Office Box 110, FLTC0007
Tampa, Florida 33601
Telephone: 813-483-2617

Attorney for GTE Florida Incorporated

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Motion for Protective Order in Case Nos. 99-5368-RP and 99-5369-RP were sent via U.S. mail on April 17, 2000 to:

Martha Brown, Esq.
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

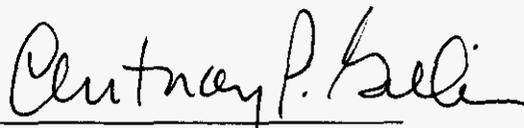
Mary Anne Helton, Esq.
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

David E. Smith, Director of Appeals
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

John Rosner, Esq.
Joint Administrative Procedures Committee
Florida Legislature
600 South Calhoun Street, Room 120
Tallahassee, FL 32399-1300

Michael P. Goggin, Esq.
BellSouth Telecommunications, Inc.
150 South Monroe Street, Room 400
Tallahassee, FL 32301

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


Kimberly Caswell