

AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

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RECORDS AND
REPORTING

August 3, 1998

BY HAND DELIVERY

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

Re: Docket No. 980733-TL

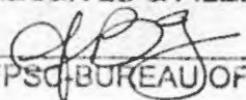
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Northeast Florida Telephone Company's Motion for Temporary Protective Order.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

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FPSC BUREAU OF RECORDS

Sincerely,


J. Jeffrey Wahlen

- ACK Enclosures
- AFA
- APP _____ cc: All parties of record
- CAF _____ b:\data\jjw\ne\980733.byo.doc
- CMU
- CTR _____
- EAG _____
- LEG
- LIN _____
- OPC _____
- RCH _____
- SEC
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

08164 AUG-3

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Discovery for Study on)
Fair & Reasonable Rates and on)
Relationships Among Costs and)
Charges Associated with Certain)
Telecommunications Services)
Provided by LECs, as Required by)
Chapter 98-277)

Docket No. 980733-TL

Filed: August 3, 1998

**NORTHEAST FLORIDA TELEPHONE COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Pursuant to Rule 25-22.034 and 25-22.006(6)(c), Florida Administrative Code, Northeast Florida Telephone Company ("Northeast") by and through its undersigned counsel, requests that the Florida Public Service Commission enter a temporary protective order covering certain information to be produced in response to the Attorney General's and Citizens' First Request for Production of Documents to Northeast ("First POD"), and states:

1. The First POD was served by mail on June 25, 1998. Therein, the Attorney General and Office of Public Counsel request Northeast to produce its responses to certain data requests sent to Northeast by Staff on June 19, 1998. While Northeast has not finalized its responses to those data requests at this time, it believes that some of the information that it may include in its responses is confidential and should not be disclosed to the public. See Fla. Stat. §§ 364.24 and 119.07(3)(r) (1995). This information includes, but is not

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FPSC-RECORDS/REPORTING

limited to, total revenues, total units of services, and other related data. This kind of information is routinely considered confidential by the Commission. Any data request response submitted by the Company with this kind of data will be submitted with a claim of confidentiality under Section 364.183(1), Florida Statutes, as set forth in the procedural memorandum for this project, dated July 10, 1998.

2. The Attorney General and Public Counsel have indicated their desire to have certain of the materials and information they have designed made available so that they may more closely review certain materials and information provided over a longer period of time and to be provided with copies of certain documents for review to their consultants.

3. One objective of this review would be to reduce the volume of materials and information actually taken by the Attorney General and Public Counsel and, ultimately, the volume of proprietary confidential materials and information that will be needed as evidence or supporting documentation in this special project. This review, in the Company's opinion, has the potential to significantly reduce the volume of material and information for which final proprietary confidential treatment must eventually be requested.

4. By this Motion, Northeast requests that the materials and information identified as confidential and made available for inspection or produced to the Attorney General and Public Counsel in response to the First POD be granted the protection of a Temporary Protective Order as provided for by Rule 25-

22.006(5)(c), Florida Administrative Code. A temporary protective order will temporarily exempt the confidential documents from the disclosure requirements for the Public Records Act and protect the materials and information from public disclosure until the Attorney General and Public Counsel, their employees, agents, consultants, expert witnesses and others acting on their behalf complete their review of the materials and information.

5. Production Procedures. For purposes of this motion and the resulting Temporary Protective Order, Northeast proposes and will follow these production procedures:

- A. All documents that reflect information that Northeast believes to be confidential shall be stamped conspicuously with the word "confidential" and numbered for control. The portion of a document reflecting confidential information shall be highlighted with a yellow marker.
- B. Documents stamped "confidential" shall be numbered and segregated from the non-confidential documents, and shall be sent to the Attorney General and Office of Public Counsel in envelopes marked "confidential" on the front.
- C. The Attorney General and Office of Public Counsel shall exercise reasonable care to prevent the disclosure of documents stamped "confidential" during their review of such documents.
- D. Within a reasonable time before the workshops in this proceeding, the Attorney General and Office of Public

Counsel will notify counsel for Northeast of their intent to use some or all of the confidential documents provided by Northeast so that Northeast can prepare and file a request for confidential classification and/or motion for permanent protective order in a timely manner.

E. Northeast, the Attorney General and the Office of Public Counsel shall cooperate in good faith to minimize the amount of confidential material to be used at the workshops in this case.

F. The Attorney General's and Public Counsel's attorneys, employees, agents, consultants, expert witnesses and other persons acting on their behalf may review all documents or answers stamped confidential. Such persons shall not disclose the contents of any document stamped confidential to anyone other than the Attorney General's or Public Counsel's attorneys, employees, agents, expert witnesses and other persons acting on their behalf without the prior written consent of Northeast.


6. Northeast anticipates that the procedures outlined in this Motion will greatly reduce the volume of materials for which proprietary confidential treatment must ultimately be sought. The alternative to this approach entails lengthy, but ultimately needless, review by the parties and by the Commission of materials which the Attorney General and Public Counsel do not find necessary for their purposes in this docket.

7. Nothing in this Motion is intended to, nor shall it, create a precedent as to the confidentiality of any of the

material sought to be protected, nor is it intended to preclude any party from challenging Northeast's claim of proprietary confidential treatment for any material or information which the Company files its final Request for Confidential Classification.

WHEREFORE, Northeast moves for a Temporary Protective Order covering materials produced by it in response to the First POD in this docket.

DATED this 3rd day of August, 1998.



J. JEFFREY WAHLEN
Ausley & McMullen
P. O. Box 392
Tallahassee, FL 32302
(850) 224-9115

ATTORNEYS FOR NORTHEAST FLORIDA
TELEPHONE COMPANY, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand-delivery (*) to the following parties on this 3rd day of August, 1998.

Beth Keating *
Division of Legal Services
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Benjamin Ochshorn
Florida Legal Services, Inc.
2121 Delta Blvd.
Tallahassee, FL 32303

Edward Paschall
AARP
1923 Atapha Nene
Tallahassee, FL 32301

Michael Gross *
Office of Attorney General
Department of Legal Affairs
The Capitol, PL-01
Tallahassee, FL 32399-1050

Tracy Hatch
AT&T
101 N. Monroe St., Suite 700
Tallahassee, FL 32301

Everett Boyd
Ervin Law Firm
P. O. Drawer 1170
Tallahassee, FL 32302

Nancy H. Sims
BellSouth Telecommunications
150 S. Monroe St., Suite 400
Tallahassee, FL 32301

David B. Erwin
127 Riversink Road
Crawfordville, FL 32327

Kimberly Caswell
GTE Florida
P.O. Box 110, FLTC0007
Tampa, FL 33601

Richard Melson
Hopping Law Firm
P. O. Box 6526
Tallahassee, FL 32314

Mark Ellmer
P. O. Box 220
Port St. Joe, FL 32456

Jim McGinn
ITS Telecommunications
P. O. Box 277
Indiantown, FL 34956

Norman Horton
Messer Law Firm
P. O. Box 1876
Tallahassee, FL 32302

Julie S. Myers
Smith, Bryan & Myers
311 E. Park Avenue
Tallahassee, FL 32301

Thomas M. McCabe
TDS Telecom/Quincy Telephone
P. O. Box 189
Quincy, FL 32353

Monte Belote
6801 Seaview Way
Tampa, FL 33615

Laura Gallagher
FCTA
310 North Monroe Street
Tallahassee, FL 32301

Angela Green
FPTA
125 S. Gadsden St., #200
Tallahassee, FL 32301

Susan Langston
FTIA
P. O. Box 1776
Tallahassee, FL 32302

Kelly Goodnight
Frontier Communications
180 S. Clinton Avenue
Rochester, NY 14646

Steve Brown
Intermedia Communications
3625 Queen Palm Drive
Tampa, FL 33619

Joseph McGlothlin
McWhirter Law Firm
117 S. Gadsden Street
Tallahassee, FL 32301

Jack Shreve/Charles Beck *
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., #812
Tallahassee, FL 32399-1400

Richard L. Spears
Community Assoc. Institute
9132 Ridge Pine Trail
Orlando, FL 32819

Donna Canzano
Wiggins Law Firm
P. O. Drawer 1657
Tallahassee, FL 32302

John L. Brewerton, III, P.A.
250 N. Orange Ave., Suite 1700
Orlando, FL 32801

Frankie Callen
The Greater Orlando
Assoc. of Realtors
P. O. Box 587
Orlando, FL 32802

Gene Adams
Florida Assoc. of Realtors
P. O. Box 1853
Tallahassee, FL 32302

David Swafford
Pennington Law Firm
P. O. Box 10095
Tallahassee, FL 32301

Monica Barone
Sprint
3100 Cumberland Circle, #802
Atlanta, GA 30339

Harriet Eudy
ALLTEL Florida, Inc.
P. O. Box 550
Live Oak, FL 32060

Chris Kenna
Compass Management & Leasing
1801 Hermitage Blvd., Suite 130
Tallahassee, FL 32308

Debra K. Mink
BOMA Florida
3081 E. Commercial Blvd.
Ft. Lauderdale, FL 33308

Kenneth Hoffman/John Ellis
Rutledge Law Firm
P. O. Box 551
Tallahassee, FL 32302

Bill Huttenhower
Vista-United Telecommunications
P. O. Box 10180
Lake Buena Vista, FL 32830

Charles Rehwinkel
Sprint-Florida, Inc.
P. O. Box 2214
Tallahassee, FL 32316

John P. Fons
Ausley & McMullen
P. O. Box 391
Tallahassee, FL 32302



Attorney