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ORIGINAL

January 16, 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. [REDACTED] TI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of ALLTEL Florida, Inc.'s Motion for Protective Order.

We are also submitting the Motion for Protective Order on a 3.5" high-density diskette generated on a DOS computer in WordPerfect 5.1 format.

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.

Sincerely,

J. Jeffrey Wahlen

- ACK _____
- AFA _____
- APP _____
- CAF 2 Enclosures
- CMU 2
- CTR _____ cc: All parties of record
- EAG all 970862.bye
- LEG _____
- LIN 5
- OFC _____
- RCH _____
- SEC I
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

[REDACTED] JAN 16 8

FPSC-RECORDS/REPORTING

In re: Joint Petition of Robert A. Butterworth, Attorney General, and the Citizens of the State of Florida by and through the Office of Public Counsel, for initiation of formal proceedings pursuant to Section 120.57(1), Florida Statutes, to investigate the practice of "slamming," i.e., the unauthorized change of a customer's presubscribed carrier, and to determine the appropriate remedial measures

DOCKET NO. 970882-TI
Filed: January 16, 1998

ALLTEL FLORIDA INC.'S MOTION FOR PROTECTIVE ORDER

Pursuant to Rule 25-22.006, Florida Administrative Code, ALLTEL FLORIDA, INC. ("ALLTEL" or the "Company") files this Motion for Protective Order, and states:

1. Robert A. Butterworth, Attorney General (Attorney General), and the Office of Public Counsel ("Public Counsel") are Joint Petitioners in this docket. In September 1997, Public Counsel requested that ALLTEL produce certain documents to Public Counsel. In response, ALLTEL agreed to produce certain documents to Public Counsel subject to a Motion for Temporary Protective Order, dated October 15, 1997 ("October Motion"). Consequently, pursuant to the October Motion and Rule 25-22.006(c), Florida Administrative Code, ALLTEL has allowed Public Counsel to possess and review certain documents (claimed by ALLTEL to be proprietary confidential business information) on a confidential basis pending a determination by Public Counsel regarding whether any of the documents will be needed at the final hearing in this case.

DOCUMENT NUMBER-DATE

00959 JAN 16 8

FPSC-RECORDS/REPORTING

2. To assist in his preparation for the final hearing in this case, the Attorney General has requested permission to review and possess the above described documents provided to Public Counsel. ALLTEL and the Attorney General have executed a Protective Agreement ("Protective Agreement") governing the Attorney General's review of those documents. A copy of that Protective Agreement is attached hereto as Exhibit One and is incorporated herein by reference.

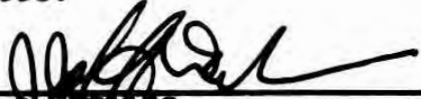
3. ALLTEL anticipates that the Protective Agreement and the procedures outlined therein, together with the October Motion, will reduce the volume of materials for which ALLTEL must request proprietary confidential treatment. The alternative to this approach entails lengthy, but ultimately needless, review by the parties and by the Commission of materials which the Attorney General and/or Public Counsel may not find necessary for their purposes in this Docket.

4. 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 ALLTEL's claim of proprietary confidential treatment for any material or information when the Company files its final Request for Confidential Classification.

5. The undersigned counsel for ALLTEL has consulted with Michael A. Gross, Assistant Attorney General, and is authorized by Mr. Gross to represent that the Attorney General concurs with this motion.

WHEREFORE, ALLTEL requests that the Florida Public Service Commission enter an order approving the Protective Agreement attached hereto and directing the parties to that agreement to abide by its terms.

DATED this 16th day of January, 1998.



LEE L. WILLIS
J. JERRY MCELLEN
Ausley & Mcullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR ALLTEL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail or hand delivery (*) this 16th day of January, 1998, to the following:

Walter D'Haeseleer *
Director of Communications
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Diana Caldwell, Esq. *
Division of Appeals
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Michael A. Gross *
Assistant Attorney General
Department of Legal Affairs
FL-01, The Capitol
Tallahassee, FL 32399-1050

Charles J. Beck *
Office of Public Counsel
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400



Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Robert A. Butterworth, Attorney General, and the Citizens of the State of Florida, by and through the Office of Public Counsel, for initiation of formal proceedings pursuant to Section 120.57(1), Florida Statutes, to investigate the practice of "slamming," i.e., the unauthorized change of a customer's presubscribed carrier, and to determine the appropriate remedial measures.

Docket No. 970882-TI

PROTECTIVE AGREEMENT

This agreement is entered into by and between ALLTEL Florida, Inc. (ALLTEL) and Robert A. Butterworth, Attorney General (Attorney General), as represented by their respective counsel.

WHEREAS, as part of the discovery in this docket, ALLTEL has produced certain documents to the Office of Public Counsel, subject to ALLTEL's request for temporary protective order and pursuant to Public Service Commission (Commission) Rule 25-22.006, Florida Administrative Code; and

.HEREAS, the Attorney General, as part of its discovery efforts in this docket, wishes to review and inspect the documents produced by ALLTEL as described above; and

WHEREAS, the Attorney General acknowledges that the documents produced by ALLTEL contain information ALLTEL believes to be confidential and are being maintained on a confidential basis pursuant to Commission Rule 25-22.006(6)(c), and agrees to maintain such confidentiality; and

WHEREAS, in order to provide the Attorney General reasonable access to the documents

produced by ALLTEL without unduly risking public disclosure of the confidential information contained in said documents, (a) ALLTEL has agreed to permit the Attorney General to review and inspect the confidential documents in preparation for hearing in this docket, and (b) the Attorney General has agreed to accept the confidential information contained in the subject documents for the purposes set forth herein and subject to the conditions of this agreement, the undersigned hereby agree as follows:

1. The Attorney General may review and inspect the confidential documents at the Office of Public Counsel.

2. The inspection shall be permitted only for purposes in connection with this docket and for no other purpose, and shall be limited to the undersigned Assistant Attorney General, acting on behalf of the Attorney General, and those to whom disclosure is in the furtherance of the rendition of legal services to the Attorney General (e.g., other attorneys working on the case, experts, law clerks, paralegals, and support staff).

3. The confidential information contained in the documents shall not be disclosed to any person, except as provided in paragraph 3. above; (2) will not be used for any purpose not directly related to this docket; (3) will be treated as confidential; and (4) will not be disclosed publicly. Protected confidential information shall deemed to include additional copies of, and notes and confidential information derived from, confidential information furnished subject to the terms of this agreement.

4. If the Attorney General desires to use, in the course of this proceeding, any of the confidential information described above, in testimony filed by the Attorney General, or in direct or cross-examination of any witness, in rebuttal or a proffer of evidence, the Attorney General

shall notify ALLTEL at least seven (7) days business days in advance of the proposed use and will meet with representatives of ALLTEL for the purpose of attempting in good faith to establish a procedure that will accommodate the needs of the Attorney General for obtaining evidence without risking public disclosure of the confidential information. If the Attorney General and ALLTEL are unable to reach agreement on a means of preventing public disclosure of the confidential information, the Attorney General and ALLTEL will submit the issues to the Commission for resolution before the Attorney General attempts to make public use of the information.

5. Each of the parties to this agreement shall act in good faith; neither will do anything to deprive the other party of the benefit of this agreement. In case of any disagreement between the parties to this agreement as to the meaning or application of this agreement or whether either party has complied with it, the parties shall submit the matter, initially to the Commission for resolution. Nothing in this agreement shall constitute a waiver by either party of any right it may have regarding any controversy over the confidentiality of the subject information to appeal any decision of the Commission or institute an original proceeding in any court of competent jurisdiction. Nothing in this agreement shall constitute a waiver of any claim ALLTEL may have as to the confidentiality of any information provided to the Attorney General, nor shall the Attorney General's execution of this agreement be construed as an admission that the requested information in fact contains confidential information. In the event the Commission shall rule that any of the confidential information should be removed from the restrictions imposed by this agreement, the confidential information shall nonetheless be subject to the protection afforded by this agreement for ten (10) business days from the date of issuance of such decision by the


Commission. The provisions of this paragraph are entered to enable ALLTEL to seek a stay or other relief from an order removing the restriction of this agreement from material claimed by ALLTEL to be confidential.


7. This agreement shall be binding upon the parties to this agreement from the date of its execution. Each executed copy of this agreement shall be deemed an original.

EXECUTED this 14th day of July, 1997.

ALLTEL Florida, Inc.


ROBERT A. BUTTERWORTH
Attorney General

By: 
J. Jerry Wahlen, Esq.
Ausley & McMillen
P.O. Box 391
Tallahassee, FL 32302

By: 
Michael A. Gross
Assistant Attorney General
Office of the Attorney General
FL-01 the Capitol
Tallahassee, FL 32399-1050