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THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ORIGINAL

RECORDS AND REPORTING

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ROBERT A. BUTTERWORTH
Attorney General
State of Florida

August 18, 1998

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

Re: Docket No. 980696-TP
Determination of the cost of basic local telecommunications service,
pursuant to Section 364.025

Docket No. 980733-TL
Discovery for Study on Fair and Reasonable Rates and on Relationships
Among Costs and charges Associated with Certain Telecommunications Services
Provided by LED's as Required by Chapter 98-277

Ms. Bayo:

Please find enclosed for filing an original and 15 copies of the Attorney General's Motion to Compel Sprint-Florida, Incorporated to Comply with Procedural Order and Produce Confidential Information and for Expedited Ruling, with Protective Agreement attached in Docket No. 980733-TL and an original and 15 copies of the Attorney General's Motion to Compel Sprint-Florida, Incorporated to Comply with Procedural Order and Produce Confidential Information and for Expedited Ruling, with Protective Agreement attached in Docket No. 980696-TP. Service has been made as indicated on the Certificate of Service

Sincerely,

Michael A. Gross
Assistant Attorney General
PL-01 The Capitol
Tallahassee, FL 32399-1050

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Discovery for Study on Fair and Reasonable Rates and on Relationships Among Costs and charges Associated with Certain Telecommunications Services Provided by LEC's, as Required by Chapter 98-277

Docket No. 980733-TL

**MOTION OF ATTORNEY GENERAL ROBERT A. BUTTERWORTH TO COMPEL SPRINT-FLORIDA, INCORPORATED TO COMPLY WITH PROCEDURAL ORDER AND PRODUCE CONFIDENTIAL INFORMATION AND FOR EXPEDITED RULING**

Attorney General Robert A. Butterworth files this motion to compel Sprint-Florida, Incorporated (Sprint), to comply with the procedural order entered in this docket and provide the Attorney General access to confidential information and states:

1. Sprint-Florida, Incorporated (Sprint) has produced documents in response to the Attorney General's discovery requests, but has withheld all confidential information.
2. It is believed that Sprint has requested confidential classification of the subject information and/or moved for a temporary protective order.
3. The Order on Procedure entered in this docket expressly provides that information provided in response to a discovery request for which proprietary confidential classification is requested shall be treated by the Commission and the parties as confidential.

4. Consequently, all of the information in issue is protected from disclosure and the Attorney General is bound by the Order on Procedure and applicable rules and statutes providing confidential status.

5. The Attorney General believes that a written protective agreement is unnecessary under the circumstances to protect Sprint's claim of confidentiality. Nevertheless, the Attorney

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General is willing to enter into a reasonable agreement, but the parties have been unable to agree on the terms of any such agreement.

6. This case is on a fast track with prehearing statements due on September 10, 1998 and the final hearing is set for October 12, 1998.

7. Therefore, the Attorney General needs this information as soon as possible, and requests expedited ruling on this motion, on or before August 24, 1998 if feasible.

8. Attached is a proposed protective agreement, the terms of which the Attorney General requests to be incorporated into an order compelling production. The attached agreement provides adequate protection for Sprint's confidential information.

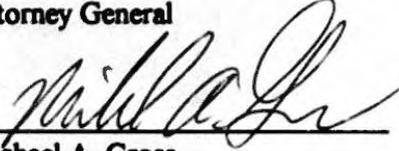
9. Further, the Attorney General requests oral argument on this motion.

WHEREFORE, the Attorney General respectfully requests the Prehearing Officer to enter an order compelling production of confidential information from Sprint on the grounds set forth above.

Dated this 18<sup>th</sup> day of August, 1998.

Respectfully submitted,

**ROBERT A. BUTTERWORTH**  
Attorney General



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**Michael A. Gross**  
Assistant Attorney General  
Fla. Bar No. 0199461  
Office of the Attorney General  
PL-01 The Capitol  
Tallahassee, FL 32399-1050  
(850) 414-3300  
FAX: (850) 488-6589

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail this 18th day of August, 1998, to the following:

William P. Cox  
Division of Legal Services  
Florida Public Service Comm.  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Edward Paschall  
AARP  
1923 Atapha Nene  
Tallahassee, FL 32301

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

Robert Beatty/Nancy White  
c/o Nancy H. Sims  
BellSouth Telecommunications  
150 S. Monroe St. Suite 400  
Tallahassee, FL 32301

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

David B. Erwin  
127 Riversink Road  
Crawfordville, FL 32327

Laura Gallagher  
FCTA  
310 N. Monroe St.  
Tallahassee, FL 32301

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

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

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

Kelly Goodnight  
Frontier Communication  
180 S. Clinton Ave.  
Rochester, NY 14646

GTC, Inc.  
C/o St. Joe Communications  
P. O. Box 220  
Port St. Joe, FL 32456

Kimberly Caswell  
GTE Florida  
P. O. Box 110 FLTC0007 (33601)  
201 N. Franklin Street, 16th Floor  
Tampa, FL 33602

Patricia Greene  
Holland Law Firm  
315 S. Calhoun St. Suite 600  
Tallahassee, FL 32301

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

**Charlie Murphy/Booter Imhof**  
House Committee on Utilities  
and Communications  
428 House Office Building  
Tallahassee, FL 32399-1300

**David Daniel**  
House Democratic Office  
316, The Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

**Steven Brown**  
Intermedia Communications  
3625 Queen Palm Drive  
Tampa, FL 33619

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

**Thomas K. Bond**  
MCI Telecommunications Corp.  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342

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

**Floyd Self**  
Messer Law Firm  
P. O. Box 1876  
Tallahassee, FL 32302

**Office of Public Counsel**  
c/o The Florida Legislature  
111 W. Madison St. Suite 812  
Tallahassee, FL 32399-1400

**Peter Dunbar**  
Barbara D. Auger  
Pennington Law Firm  
P. O. Box 10095  
Tallahassee, FL 32301

**Carolyn Marek**  
Time Warner Communications  
P. O. Box 210706  
Nashville, TN 37221

**John Guthrie/Susan Masterton**  
Senate Committee on Reg. Ind.  
418 Senate Office Building  
Tallahassee, FL 32399

**Julie S. Myers**  
Smith, Bryan & Meyers  
311 E. Park Ave.  
Tallahassee, FL 32301

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

Jennifer Uhal  
1911 N. Ft. Meyer Dr., Suite 702  
Arlington, VA 22209

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

Michael Twomey  
8903 Crawfordville Road  
Tallahassee, FL 32310

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

Brian Sulmonetti  
WorldCom Technologies  
1515 S. Federal Hwy., Suite 400  
Boca Raton, FL 33432

Lynne G. Brewer  
Northeast Florida Telephone  
P. O. Box 485  
Macclenny, FL 32063

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

Monica Barone  
Sprint  
3100 Cumberland Circle  
Atlanta, GA 30339

Charles Rehwinkel  
Sprint-Florida, Inc.  
1313 Blair Stone Road  
Tallahassee, FL 32301

Norman H. Horton Jr.  
Messer, Caparello & Self  
215 S. Monroe, Suite 701  
Tallahassee, FL 32301-1876

James C. Flavey, Esq.  
e.spire Communications  
133 National Business Parkway, Suite 200  
Annapolis Junction, MD 20701

Lynn B. Hall  
Vista-United Telecommunications  
P. O. Box 10180  
Lake Buena Vista, FL 32830

J. Jeffery Wahlen  
Ausley & McMullen  
P. O. Box 391  
Tallahassee, FL 32302

Frankie Callen  
Vice President of Governmental Affairs  
The Greater Orlando Assoc. Of REALTORS  
P. O. Box 587  
Orlando, FL 32802-0587

Debra K. Mink  
Mink & Mink, Inc.  
Sunnyvale Building  
3081 East Commercial Blvd.  
Ft. Lauderdale, FL 33308

Ken Hoffman  
P. O. Box 551  
Tallahassee, FL 32302-0551

Harriet Eudy  
ALLTEL  
206 White Ave.  
Live Oak, FL 32060



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Determination of the cost of basic local telecommunications service, pursuant to Section 364.025, Florida Statutes.**

**Docket No. 980696-TP**

**In re: Discovery for Study on Fair and Reasonable Rates and on Relationships Among Costs and charges Associated with Certain Telecommunications Services Provided by LEC's, as Required by Chapter 98-277**

**Docket No. 980733-TL**

**Fair and Reasonable Residential Basic Local Telecommunications Rates**

**Special Project No. 980000A-SF**

**PROTECTIVE AGREEMENT**

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

WHEREAS, as part of the discovery in these proceedings, Sprint may produce certain documents to the Attorney General, subject to the applicable procedural orders, Sprint's request for temporary protective order and/or pursuant to a claim of confidentiality under Public Service Commission (Commission) Rule 25-22.006, Florida Administrative Code; and

WHEREAS, the Attorney General, as part of its discovery efforts in these proceedings, wishes to review and inspect the documents produced by Sprint as described above; and

WHEREAS, the Attorney General acknowledges that the documents produced by Sprint are claimed by Sprint to be confidential as provided in Commission Rule 25-22.006 and are claimed by Sprint to contain confidential information, and agrees to maintain such confidentiality;

and

**WHEREAS, in order to provide the Attorney General reasonable access to the documents produced by Sprint without unduly risking public disclosure of the confidential information contained in said documents, (a) Sprint has agreed to permit the Attorney General to review and inspect the confidential documents in preparation for hearing or workshops in these proceedings, 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.
2. The inspection shall be permitted only for purposes in connection with these proceedings 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. (1) The confidential information contained in the documents shall not be disclosed to any person, except as provided in paragraph 2. above; (2) will not be used for any purpose not directly related to these proceedings; (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 any of the above-captioned proceedings, 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 Sprint in accordance with the applicable procedural order or letter relevant to the particular docket or Special Project and will meet with representatives of Sprint 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. Likewise, the Attorney General's use of confidential information at the hearings or workshops will be governed by the procedural order or letter applicable to the particular proceeding.

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 Sprint 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 Sprint to seek a stay or other relief from an order removing the restriction of this agreement from material claimed by Sprint to be confidential.

6. In the event the Attorney General wishes to utilize any of the requested information, but because of delays resulting from hearings before the Commission or courts of competent jurisdiction regarding confidential status, is not free to disclose information prior to the determination of the hearing, upon final resolution of the matter by the Commission or courts in favor of the Attorney General, the material in question shall be submitted to the Commission in the form of a late filed exhibit and, subject to the Commission's rules concerning comments on late filed exhibits, shall be incorporated into the record of the hearing as if it had been presented at the hearing, again, in accordance with the procedures the Commission has established for each docket and Special Project covered by this Agreement.

7. Any confidential documents which have not previously been returned to Sprint shall be returned to Sprint at the conclusion of the proceedings herein, including any appeals.

8. This agreement shall be binding upon the parties to this agreement from the date of its execution. This Agreement is not intended to supersede any of the procedural orders or other instructions the Commission has established for each of these proceedings. Each executed copy of this Agreement shall be deemed an original.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

Sprint - Florida, Incorporated

By: \_\_\_\_\_

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

Charles J. Rehwinkel, Esq.  
Post Office Box 2214  
Tallahassee, FL 33316

ROBERT A. BUTTERWORTH  
Attorney General

By: \_\_\_\_\_

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