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07 JUL 23 PM 4:39

COMMISSION  
CLERK

July 23, 2001

**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 010409-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Talk America, Inc. are the following documents:

1. An original and fifteen copies of Talk America, Inc.'s Request for Temporary Protective Order; and *08979-01*
2. An original and one copy of Talk America, Inc.'s Notice of Service of Responses and Objections to Florida's Citizens First Set of Request for Production of Documents. *08980-01*

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me in the enclosed self-addressed stamped envelope.

Thank you for your assistance with this filing.

Sincerely,

*Norman H. Horton, Jr.*  
Norman H. Horton, Jr.

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
LEG  NHH/amb  
OPC \_\_\_\_\_ Enclosures  
PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC   
SER \_\_\_\_\_  
OTH *Marguerite*

cc: Francie McComb, Esq.  
Steve Augustino, Esq.  
Parties of Record

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by the Citizens of )  
Florida to Investigate TALK.com Holding )  
Company and The Other Phone )  
Company for Willful Violation of )  
Rule 25-4.118, Florida Administrative )  
Code )  
\_\_\_\_\_ )

Docket No. 010409-TP  
Filed: July 23, 2001

**TALK AMERICA, INC.'S  
REQUEST FOR TEMPORARY PROTECTIVE ORDER**

Comes now Talk America, Inc., f/k/a Talk.com Holding Corp. d/b/a Network Services d/b/a The Phone Company and The Other Phone Company d/b/a Access One Communications ("Talk America" collectively) pursuant to section 364.183, Florida Statutes, and Rule 25-22.006(6) and requests a temporary protective order and as grounds states:

1. On April 17, 2001, the Citizens served their First Set of Requests for Production of Documents on Talk America (f/k/a Talk.com) and the Other Phone Co. The POD included 3 requests for documents related to complaints filed by consumers with the FPSC or the Company. In conversations with the Citizens Request 1 was modified to seek information on the first complaint on each page of lists provided to Talk America whose "preliminary type" of complaint was designated as "slamming" and Request No. 2 was limited to the months of March and April, 2001 for the requested information. A later production date was also permitted.

2. The documents sought contain information that the Respondents consider work product and proprietary and confidential business information. Although portions of the request seek the production of documents publicly available from the FPSC, the response requires the disclosure

DOCUMENT NUMBER-DATE

08979 JUL 23 01

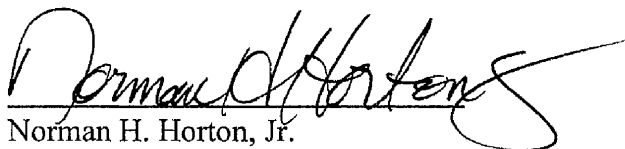
FPSC-COMMISSION CLERK

of documents containing customer specific information, business information of a proprietary, confidential nature and information which the company treats as private and confidential. The disclosure of these documents and information would harm both customers and operations of the Company and should be treated as confidential business information exempt from section 119.07(1), Florida Statutes and section 24(a), Article 1 of the State Constitution pursuant to section 364.183, Florida Statutes and Rule 25-22.006, Florida Administrative Code.

3. In proceedings before the Commission wherein the Office of Public Counsel seeks discovery of confidential information, Rule 25-22.006(6)(c), Florida Administrative Code, establishes a procedure whereby such information may be provided to the Citizens pursuant to a request for a temporary protective order. Pursuant to that rule, the information may be provided to Office of Public Counsel for purposes of determining whether and what information might be used in a proceeding before the Commission. If the information is to be used, a specific request for a protective order is required, but if it is not used the information is returned. During the review, the information is subject to a temporary protective order and exempt from section 119.07(1), Florida Statutes. In the request at hand, Talk America asserts that the information requested is proprietary and confidential but is agreeable to allow Public Counsel to review the non-privileged information for the purposes of determining what information might be used in further proceedings before the Commission.

WHEREFORE, Talk America requests that the Commission issue a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, with respect to the documents requested in the Citizens First Set of Requests for Production of Documents.

Respectfully submitted



Norman H. Horton, Jr.  
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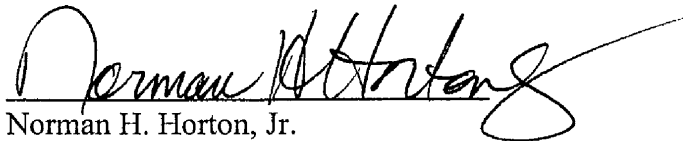
Attorneys for Talk America, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of Talk America, Inc.'s Request for Temporary Protective Order in Docket No. 010409-TP have been served upon the following parties by Hand Delivery (\*) and/or U.S. Mail this 23<sup>rd</sup> day of July, 2001.

Mary Ann Helton, Esq.\*  
Division of Legal Services, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Charles Beck, Esq.\*  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

  
Norman H. Horton, Jr.