

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: September 24, 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 August 8, 2001, the Citizens served their Third Set of Requests for Production of Documents on Talk America (f/k/a Talk.com) and the Other Phone Co. consisting of items 5 - 14. Also served the same date was the First Set of Interrogatories consisting of 2 questions regarding former employees and former customers. In the Production of Documents, documents requested include, but are not limited to, information on customer lines and several discussing, analyzing or evaluating customer activity, complaints and/or company procedures, policies and actions with respect to various issues.

2. The Interrogatories and information contained in the documents produced in response to Items 5-13 contain information which, if disclosed, would harm the competitive business of the company and/or would harm the interest of the customers and company. Talk America contends to and does treat this information as proprietary and thus has objected to each. Additionally, the

DOCUMENT NUMBER-DATE

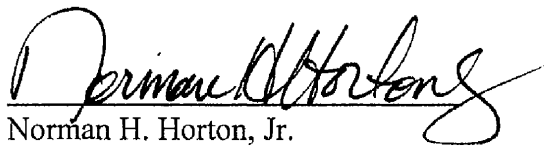
11967 SEP 24 01

FPSC-COMMISSION CLERK

employee and customer specific information is sensitive information of a private nature.

3. Section 364.183(2), Florida Statutes, and Rule 25-22.006(5), Florida Administrative Code, direct that records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by any party subject to the public records law as confidential and exempt from sections 119.07(1), Florida Statutes. Talk America has recorded its objections to the requests but has provided the requested documents to the Office of Public Counsel pursuant to section 364.183, Florida Statutes and Rule 25-22.006, Florida Administrative code and requests the entry of a protective order with respect to the answers and documents at issue.

Respectfully submitted



Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
215 S. Monroe Street, Suite 701
P.O. Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720

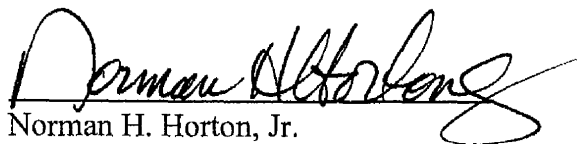
Attorneys for Talk America, Inc.

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 24th day of September, 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.