

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for recovery of intrastate costs)
and expenses relating to repair, restoration) Docket No. 060300-TP
and replacement of facilities damaged by Hurricane)
Dennis by GTC, Inc. d/b/a GT Com) Date: May 26, 2006
_____)

**GT COM'S RESPONSE TO OPC'S MOTION TO COMPEL
AND
GT COM'S MOTION FOR PROTECTIVE ORDER**

GTC, Inc. d/b/a GT Com ("GT Com") hereby files its Response to OPC's Motion to Compel responses to its Document Requests Nos. 2, 4 and 8, and files its Motion for Protective Order pursuant to §364.183, Florida Statutes and Rule 25-22.0006, Florida Administrative Code.

In support, GT Com states as follows:

1. On May 4, 2006, GT Com served its objections to OPC's Document Requests Nos. 2, 4 and 8 as follows:

2. Please provide a copy of the monthly budget and budget variance reports of GT Com's Florida operations for each month of 2005.

Response: GT Com objects to this Request. GT Com seeks recovery in this docket of its intrastate costs and expenses related to repairing, restoring or replacing the lines, plants or facilities damaged by Hurricane Dennis pursuant to §364.051(4)(b), Florida Statutes, which conditions recovery upon verification of the Company's costs and a determination of reasonableness. The statute does not in any way predicate recovery of costs on budgets, budgeted expenses or revenues, or budget variances. Nor does the statute define recoverable costs in terms of budget variances or limit recovery to costs in excess of budget variances. In addition, GT Com is a price-regulated small local exchange company. GT Com's rates for basic local telecommunications services are not based on traditional rate base, rate of return regulation or oversight of GT Com's revenues and expenses. GT Com therefore objects to this Request because the information requested is not relevant to

any issue in this litigation and is not reasonably calculated to lead to any relevant information.

4. Please provide a copy of any documents in the company's possession, custody or control dealing with the incremental costs of storm restoration.

Response: GT Com objects to this Request. GT Com seeks recovery in this docket of its intrastate costs and expenses related to repairing, restoring or replacing the lines, plants or facilities damaged by Hurricane Dennis pursuant to §364.051(4)(b), Florida Statutes, which conditions recovery upon verification of the Company's costs and a determination of reasonableness. The statute does not in any way predicate recovery of costs based on whether those costs are or are not "incremental." Nor does the statute define recoverable costs in terms of incremental costs or limit recovery to costs in excess of any base level. In addition, GT Com is a price-regulated small local exchange company. GT Com's rates for basic local telecommunications services are not based on traditional rate base, rate of return regulation or oversight of GT Com's revenues and expenses. GT Com therefore objects to this Request because the information requested is not relevant to any issue in this litigation and is not reasonably calculated to lead to any relevant information.

8. Please provide the company's budget for contract labor during 2005, and please provide all documents discussing the impact of hurricanes or storms on that budget.

Response: GT Com objects to this Request. GT Com seeks recovery in this docket of its intrastate costs and expenses related to repairing, restoring or replacing the lines, plants or facilities damaged by Hurricane Dennis pursuant to §364.051(4)(b), Florida Statutes, which conditions recovery upon verification of the Company's costs and a determination of reasonableness. The statute does not in any way predicate recovery of costs on budgets, budgeted expenses or revenues, or budget variances. Nor does the statute define recoverable costs in terms of budget variances or limit recovery to costs in excess of budget variances. In addition, GT Com is a price-regulated small local exchange company. GT Com's rates for basic local telecommunications services are not based on traditional rate base, rate of return regulation or oversight of GT Com's revenues and expenses. GT Com therefore objects to this Request because the information requested is not relevant to any issue in this litigation

and is not reasonably calculated to lead to any relevant information.

2. OPC states that its requests for documents regarding monthly budgets, incremental costs of storm restoration and contract labor budgets relate to GT Com's incremental cost of repairing damage from Hurricane Dennis, and erroneously argues that such documents are relevant because the Commission examined such information in unrelated dockets that were brought pursuant to different statutes. Further, OPC has advised that it believes the documents sought are specifically relevant with regard to the reasonableness of the costs (Issue 2). However, the incremental cost information sought by OPC is completely irrelevant to hurricane cost recovery under the statute at issue herein.

3. The Commission must decide this case on an expedited basis under §364.051(4)(b), Florida Statutes. Accordingly, in an effort to be responsive and to allow Public Counsel to timely prepare for hearing under the expedited procedural schedule in this case, GT Com will provide whatever documents it may have that are responsive to OPC's Document Requests Nos. 2, 4 and 8, subject to and without waiver of any objection the Company may or could raise, or positions the Company may or could take, regarding the relevance, admissibility, or use of such documents in this hearing or otherwise. To be perfectly clear, GT Com fully intends to object to any attempt by any person, party or entity to introduce into evidence in this proceeding or otherwise bring before the Commission for consideration any documents it produces in response to OPC's Document Requests Nos. 2, 4 and 8.

4. Subject to and without waiving objections as set forth above, GT Com states as follows: GT Com will provide whatever documents it has that are responsive to Request No. 2 under an appropriate order to protect the confidentiality of such documents; GT Com has no

documents responsive to Request No. 4; and GT Com has no documents responsive to Request No. 8 other than documents to be provided in response to Request No. 2.

5. Certain documents that are responsive to Request No. 2 contain or constitute confidential, proprietary business information belonging to GT Com. The confidential information includes but is not limited to financial data in GT Com's budget relating to GT Com's competitive interests, including detailed information regarding the amount and sources of the Company's income and detailed information regarding the Company's current and planned expenditures. This information is owned or controlled by GT Com, is intended to be and is treated by GT Com as private in that the disclosure of the information would cause harm to company's business operations, and the information has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Disclosure of this information would impair GT Com's competitive business. The information therefore is exempt from §119.07(1), Florida Statutes pursuant to §364.183, Florida Statutes.

6. Accordingly, GT Com respectfully requests the Commission to enter a temporary protective order affording GT Com the protection needed to provide Public Counsel with the confidential information in its Responses to Public Counsel's document requests.

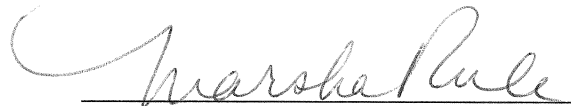
7. Prior to filing this Response and Motion, GT Com advised Public Counsel that it would provide responsive documents subject to and without waiving objections and asked Public Counsel to withdraw its Motion to Compel. Public Counsel advised that it would respond to GT Com's request after reviewing GT Com's response and production. However, given GT Com's response in Paragraph 4, above, Public Counsel's Motion to Compel is now moot.

8. To the extent Public Counsel refuses to withdraw its Motion to Compel, GT Com hereby requests a seven-day extension of time to file a substantive response thereto. GT Com's

counsel will contact Public Counsel during the week of May 28, 2006 in order to facilitate confirmation that Public Counsel will withdraw its Motion and remove the need for argument and rulings on these issues at this stage of the proceeding.

WHEREFORE, GT Com respectfully requests that the Commission enter a temporary protective order protecting against public disclosure the confidential information in documents provided by GT Com in response to Public Counsel's Document Request No. 2.

Respectfully submitted this 26th day of May, 2006.



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ATTORNEYS FOR GTC, INC.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by U.S. and electronic mail this 26th day of May, 2006, to the following:

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