

Voice Data Internet Wireless Entertainment

EMBARQ"

Embarq Corporation Mailstop: FLTLHO0102 1313 Blair Stone Rd. Tallahassee, FL 32301 EMBARQ.com

November 14, 2006

Ms. Blanca Bayó, Director Division of the Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

RE: Docket No. 060644-TL, Embarq Florida, Inc.'s Request for Temporary Protective Order for Proprietary Information Provided in Response to Citizens First Request for Production of Documents (No.1)

Dear Ms. Bayó:

Enclosed for filing on behalf of Embarg Florida, Inc., is:

- 1. Notice of Service and
- 2. Embarq Florida, Inc.'s Request for Temporary Protective Order for Proprietary Information Provided in Response to Citizens First Request for Production of Documents (No.1)

Copies are being served on the parties in this docket pursuant to the attached certificate of service

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850/599-1560

Sincerely,

Susan S. Masterton

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Enclosure

Susan S. Masterton

LAW AND EXTERNAL AFFAIRS- REGULATORY

Voice: (850) 599-1560 Fax: (850) 878-0777

### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Embarq Florida Inc.	)	Docket No. 060644-TL
to Recover 2005 Tropical System	)	
Related Costs and Expenses	)	Filed: November 14, 2006

# **NOTICE OF SERVICE**

Embarq Florida, Inc. serves this notice that, by and through undersigned counsel, it has served its Responses to Citizens' First Request for Production of Documents (No. 1) by hand delivery to Charles J. Beck, c/o The Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, FL 32399-1400 on this 14<sup>th</sup> day of November 2006.

Susan S. Masterton

1313 Blair Stone Road Tallahassee, FL 32301

Voice: 850-599-1560 Fax: 850-878-0777

susan.masterton@embarq.com

Counsel for Embarq Florida, Inc.

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#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Embarq Florida,	)	Docket No. 060644-TL
Inc., pursuant to section 364.051(4),	)	
Florida Statutes, to recover 2005	)	
Tropical system related costs and	)	
Expenses	)	Filed: November 14, 2006
	)	

# EMBARQ FLORIDA, INC.'S REQUEST FOR TEMPORARY PROTECTIVE ORDER FOR PROPRIETARY INFORMATION PROVIDED IN RESPONSE TO CITIZENS FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 1)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183(2), Florida Statutes, Embarq Florida, Inc. ("Embarq") by and through its undersigned counsel, requests that the Florida Public Service Commission enter a Temporary Protective Order covering certain proprietary information provided in Embarq's Responses to Citizens First Request for Production of Documents No. 1, exempting the information from s. 119.07(1), F.S. In support Embarq states as follows:

- 1. On November 14, 2006, Embarq provided its Responses to Citizens First Request for Production of Documents (No. 1) to the Office of the Public Counsel.
- 2. Section 364.183(2) provides in relevant part:

Any records provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the commission and the Office of Public Counsel and any other party subject to the public records law as confidential and shall be exempt from s. 119.07(1), pending a formal ruling on such request by the commission or the return of the records to the person providing the records.

3. The information requested includes Embarq's Responses to Staff's First Request for

Production of Documents. Specifically, Embarq has claimed that certain information

in provided in response to Staff's POD No. 2 is proprietary and confidential.

Pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, Embarq is requesting

this temporary protective order to protect the confidentiality of the information

pending a determination as to whether it will be used in a proceeding before the

Commission. As required by the rule, Embarq will file a specific request for

confidentiality if the information is ultimately to be used in a proceeding before the

Commission. Pending further ruling by the Commission regarding the confidential

classification of the information, the information should be treated in a confidential

manner pursuant to section 364.183(2), F.S. and Rule 25-22.006, F.A.C.

WHEREFORE, Embarq moves for entry of a Temporary Protective Order

exempting from s. 119.07(1), F.S., the proprietary information provided in Embarg's

Responses to Citizens First Request for Production of Documents.

RESPECTFULLY SUBMITTED this 14th day of November 2006.

Susan S. Masterton

1313 Blair Stone Road

Tallahassee, FL 32301 Voice: 850-599-1560

Fax: 850-878-0777

susan.masterton@embarq.com

Counsel for Embarq Florida, Inc.

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## CERTIFICATE OF SERVICE DOCKET NO. 060644-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically and by US mail (\*) or hand delivery (\*\*) this 14th day of November, 2006 to the following:

Jason Fudge \*
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850

Beth Salak \*
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Office of Public Counsel Charles J. Beck (\*\*) c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400

Vicki Gordon Kaufman \*
Moyle Flanigan Katz Raymond &
Sheehan, PA
118 North Gadsden Street
Tallahassee, FL 32301

Susan S. Masterton