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August 2, 1998

Blanca Bayo  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

In re: Docket No. 980733-TL

Dear Ms. Bayo:

Enclosed please find the original and 15 copies of ITS Telecommunications Systems, Inc.'s Motion for Temporary Protective Order.

Copies are being provided as set forth in the Certificate of Service.

Thank you for your attention to this filing.

Sincerely,



David B. Erwin  
Attorney for ITS  
Telecommunications Systems, Inc.

- ACK \_\_\_\_\_
- AFA 6
- APP \_\_\_\_\_ DBE:jm
- CAF \_\_\_\_\_ Enclosure
- CMU Marsh
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC I
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

00125 AUG-3 98

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Discovery for Study on )  
Fair & Reasonable Rates and on )  
Relationships Among Costs and )  
Charges Associated with Certain )  
Telecommunications Services )  
Provided by LECs, as Required by )  
Chapter 98-277 )  
\_\_\_\_\_ )

Docket No. 9P0733-TL  
Filed: August 3, 1998

**ITS TELECOMMUNICATIONS SYSTEMS INC.'S MOTION  
FOR TEMPORARY PROTECTIVE ORDER**

Pursuant to Rule 25-22.034 and 25-22.006(6)(c), Florida Administrative Code, ITS Telecommunications Systems, Inc. (ITS), by and through its undersigned counsel, requests that the Florida Public Service Commission enter a temporary protective order covering certain information to be produced in response to the Attorney General's and Citizens' First Request for Production of Documents to ITS ("First POD"), and states:

1. The First POD was served by mail on June 25, 1998. Therein, the Attorney General and Office of Public Counsel request ITS to produce its responses to certain data requests sent to ITS by Staff on June 19, 1998. While ITS has not finalized its responses to those data requests at this time, it believes that some of the information that it may include in its responses is confidential and should not be disclosed to the

public. See Fla. Stat. §§ 364.24 and 119.07(3)(r) (1995). This information includes, but is not limited to, total revenues, total units of services, and other related data. This kind of information is routinely considered confidential by the Commission. Any data request response submitted by the Company with this kind of data will be submitted with a claim of confidentiality under Section 364.183(1), Florida Statutes, as set forth in the procedural memorandum for this project, dated July 10, 1998.

2. The Attorney General and Public Counsel have indicated their desire to have certain of the materials and information they have designed made available so that they may more closely review certain materials and information provided over a longer period of time and to be provided with copies of certain documents for review to their consultants.

3. One objective of this review would be to reduce the volume of materials and information actually taken by the Attorney General and Public Counsel and, ultimately, the volume of proprietary confidential materials and information that will be needed as evidence or supporting documentation in this special project. This review, in the Company's opinion, has the potential to significantly reduce the volume of material and information for which final proprietary confidential treatment must eventually be requested.

4. By this Motion, ITS requests that the materials and information identified as confidential and made available for inspection or produced to the Attorney General and Public Counsel in response to the First POD be granted the protection of a Temporary Protective Order as provided for by Rule 25-22.006(5)(c), Florida Administrative Code. A temporary protective order will temporarily exempt the confidential documents from the disclosure requirements for the Public Records Act and protect the materials and information from public disclosure until the Attorney General and Public Counsel, their employees, agents, consultants, expert witnesses and others acting on their behalf complete their review of the materials and information.

5. Production Procedures. For purposes of this motion and the resulting Temporary Protective Order, ITS proposes and will follow these production procedures:

- A. All documents that reflect information that ITS believes to be confidential shall be marked conspicuously with the word "confidential" and numbered for control. The portion of a document reflecting confidential information shall be highlighted with a yellow marker.
- B. Documents marked "confidential" shall be numbered and segregated from the non-confidential documents, and shall

- be sent to the Attorney General and Office of Public Counsel in envelopes marked "confidential" on the front.
- C. The Attorney General and Office of Public Counsel shall exercise reasonable care to prevent the disclosure of documents marked "confidential" during their review of such documents.
- D. Within a reasonable time before the workshops in this proceeding, the Attorney General and Office of Public Counsel will notify counsel for ITS of their intent to use some or all of the confidential documents provided by ITS so that ITS can prepare and file a request for confidential classification and/or motion for permanent protective order in a timely manner.
- E. ITS, the Attorney General and the Office of Public Counsel shall cooperate in good faith to minimize the amount of confidential material to be used at the workshops in this case.
- F. The Attorney General's and Public Counsel's attorneys, employees, agents, consultants, expert witnesses and other persons acting on their behalf may review all documents or answers stamped confidential. Such persons shall not disclose the contents of any document stamped confidential to anyone other than the Attorney General's or Public Counsel's attorneys, employees, agents, expert

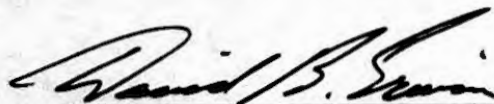
witnesses and other persons acting on their behalf  
without the prior written consent of ITS.

6. ITS anticipates that the procedures outlined in this Motion will greatly reduce the volume of materials for which proprietary confidential treatment must ultimately be sought. The alternative to this approach entails lengthy, but ultimately needless, review by the parties and by the Commission of materials which the Attorney General and Public Counsel do not find necessary for their purposes in this docket.

7. Nothing in this Motion is intended to, nor shall it, create a precedent as to the confidentiality of any of the material sought to be protected, nor is it intended to preclude any party from challenging ITS's claim of proprietary confidential treatment for any material or information which the Company files with its final Request for Confidential Classification.

WHEREFORE, ITS moves for a Temporary Protective Order covering materials produced by it in response to the First POD in this docket.

DATED this 3rd day of August, 1998.



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David B. Erwin  
127 Riversink Road  
Crawfordville, FL 32327

**CERTIFICATE OF SERVICE**

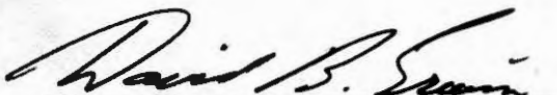
I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand-delivery (\*) to the following parties on this 3<sup>rd</sup> day of August, 1998.

Beth Keating\*  
Division of Legal Services  
Florida Public Service Comm.  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Michael Gross \*  
Office of Attorney General  
Department of Legal Affairs  
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Tallahassee, FL 32399-1050

Jack Shreve/Charles Beck \*  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., #812  
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ITS Telecommunications Systems  
P. O. Box 277  
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David B. Erwin

Cost/mot. 2005