

ORIGINAL

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April 2, 2007

VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
PO Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDER**

SECRETARY'S BUREAU

2007 APR -2 PM 3:39

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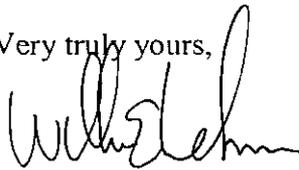
Re: Larry O'Brien v. Verizon Pennsylvania, Inc.; Docket No. C-20077291;
MOTION FOR PROTECTIVE ORDER

Dear Secretary McNulty:

Enclosed for filing are the original and three (3) copies of a Motion for Protective Order in the above-captioned case.

If you have any questions regarding this filing, please do not hesitate to contact me.

Very truly yours,



William E. Lehman
Counsel for Verizon Pennsylvania, Inc.

WEL/kml

Enclosures

cc: Per Certificate of Service
Chief Administrative Law Judge Veronica Smith

BA

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Larry O'Brien,
Complainant

v.

Verizon Pennsylvania, Inc.,
Respondent

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Docket No. C-20077291

**MOTION FOR
PROTECTIVE ORDER**

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SECRETARY'S BUREAU

NOW COMES Verizon Pennsylvania, Inc. ("Verizon PA"), by and through its counsel in the above-captioned matter, Hawke McKeon Sniscak & Kennard LLP, and hereby moves the Pennsylvania Public Utility Commission ("Commission"), pursuant to 52 Pa. Code § 5.423, to enter the attached Protective Order in the above-captioned matter. It is Verizon PA's understanding that the Office of Consumer Advocate and Complainant in this matter support the entry of the proposed Order. In support of its unopposed Motion, Verizon PA states and avers as follows:

1. On or about January 18, 2007, Larry O'Brien ("Complainant") filed a Complaint against Verizon PA in the above-captioned matter. Verizon PA filed an Answer to the Complaint on February 15, 2007. By Order dated February 20, 2007, this matter was assigned to the Commission's Mediation Department. On February 23, 2007, the Office of Consumer Advocate filed a Notice of Intervention in the above-captioned matter and on February 28, 2007, served its Interrogatories, Set I, upon Verizon PA.

2. The OCA's Interrogatory requests in Set I seek information that is of a proprietary nature to Verizon PA. Those requests also seek protected consumer information related to Mr. O'Brien's account with Verizon PA. While Mr. O'Brien has consented to Verizon PA providing that information to the OCA, it is also appropriate that the information otherwise be protected. Accordingly, the parties to this proceeding have had discussions and have agreed on the attached form of Protective Order as an appropriate means to control the use and dissemination of information deemed to be proprietary by the parties in the above-captioned matter and believe that entry of such an order is in the public interest.¹

WHEREFORE, Verizon PA respectfully requests that the Commission enter the attached Protective Order to address the use of proprietary information in this proceeding.

Respectfully submitted,



William E. Lehman
Hawke McKeon Sniscak & Kennard LLP
Harrisburg Energy Center
100 North Tenth Street
Post Office Box 1778
Harrisburg, PA 17105
(717) 236-1300
welehman@hmsk-law.com

Counsel for Respondent,
Verizon Pennsylvania, Inc.

DATED: April 2, 2007

¹ The OCA has agreed to treat Verizon PA's information as proprietary until such time as this Order is issued.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

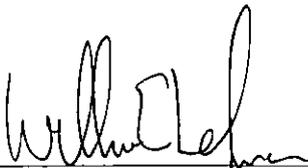
SERVICE VIA HAND DELIVERY:

Chief Administrative Law Judge Veronica Smith
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Shaun A. Sparks
Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Forum Place
Harrisburg, PA 17101

SERVICE VIA FIRST CLASS MAIL:

Larry O'Brien
25 Fox Brook Lane
Thornton, PA 19373



William E. Lehman

Dated this 2nd day of April, 2007.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Larry O'Brien,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-20077291
	:	
Verizon Pennsylvania Inc.,	:	
	:	
Respondent	:	

PROTECTIVE ORDER

THEREFORE,

IT IS ORDERED:

1. This Protective Order, submitted by Verizon Communications Inc. ("Verizon") and the Office of Consumer Advocate ("OCA") (collectively "Joint Applicants"), is hereby established for use in this proceeding with respect to all materials and information identified at Paragraph 2 of this Protective Order which are filed with the Commission, produced in discovery, or otherwise presented during these proceedings. All persons now and hereafter granted access to the materials and information identified in Paragraph 2 of this Protective Order shall use and disclose such information only in accordance with this Order.

2. The materials subject to this Order are all correspondence, documents, data, information, studies, methodologies and other materials which a party or an affiliate of a party furnishes in this proceeding pursuant to Commission rules and regulations, discovery procedures or cross-examination or provides as a courtesy to a party to this proceeding, which are claimed to be of a proprietary or confidential nature and which are designated "PROPRIETARY INFORMATION" (hereinafter collectively referred to as "Proprietary Information"). Such information may also include customer information which a party believes to be sensitive and should be restricted from public examination.

3. *Proprietary Information* shall be made available to the Commission and its Staff for use in this proceeding. For purposes of filing, to the extent that *Proprietary Information* is placed in the Commission's report folders, such information shall be handled in accordance with routine Commission procedures inasmuch as the report folders are not subject to public disclosure. To the extent that *Proprietary Information* is placed in the Commission's testimony or document folders, such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Order. Public inspection of *Proprietary Information* shall be permitted only in accordance with this Protective Order.

4. *Proprietary Information* shall be made available to counsel or parties of record in this proceeding pursuant to the following procedures.

a. *Proprietary Information*. To the extent required for participation in this proceeding, a party or a party's counsel may afford access to *Proprietary Information* made available by another party ("the producing party") to the party's expert(s), subject to the following restrictions:

i. Such expert(s) may not hold any of the following positions with any competitor of the producing party: (a) an officer, board member, significant stockholder, partner, owner (other than owner of stock) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (b) an officer, board member, significant stockholder, partner, owner (other than owner of stock) of any affiliate of a competitor of the producing party; provided, however, that any expert shall not be disqualified on account of being a stockholder, partner, or owner unless

his/her interest in the business constitutes a significant potential for violation of the limitations of permissible use of the Proprietary Information. For purposes of this Order, stocks, partnership, or other ownership interest valued at less than \$500,000 and/or constituting less than a 10 % interest in a business does not, in itself, establish a significant potential for violation.

ii. If a party's independent expert, another member of the independent expert's firm or the independent expert's firm generally also serves as an expert for, or as a consultant or advisor to a competitor or any affiliate of a competitor of the producing party, said independent expert must: (1) advise the producing party of the competitor's or affiliate's name(s); (2) make reasonable attempts to segregate those personnel assisting in the expert's participation in this proceeding from those personnel working on behalf of a competitor or any affiliate of a competitor of the producing party; and (3) if segregation of such personnel is impractical, the independent expert shall give to the producing party written assurances that the lack of segregation will in no way jeopardize the interests of the producing party. The producing party retains the right to challenge the adequacy of the written assurances that its interests will not be jeopardized.

b. No other persons may have access to the Proprietary Information except as authorized by order of the Commission or of the presiding Administrative Law Judge. No person who may be entitled to receive, or who is afforded access to any Proprietary Information shall use or disclose such information for the purposes of business or competition, or any purpose other than the

preparation for and conduct of this proceeding or any administrative or judicial review thereof.

5. Prior to making Proprietary Information available to any person as provided in paragraph 4 of this Protective Order, counsel shall deliver a copy of this Order to such person and shall receive a written acknowledgment from that person in the form attached to this Order and designated as Appendix A. Counsel shall promptly deliver to the producing party a copy of the executed acknowledgment form.

6. A producing party shall designate data or documents as constituting or containing Proprietary Information by affixing an appropriate proprietary stamp or typewritten designation on such data or documents. Where only part of data compilations or multi-page documents constitutes or contains Proprietary Information, the producing party shall designate only the specific data or pages of documents which constitute or contain Proprietary Information.

7. Any public reference to Proprietary Information by counsel or persons afforded access thereto shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to fully understand the reference and not more. The Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

8. Parts of any record in this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, testimony, cross examination, argument and responses to discovery, and including reference thereto as mentioned in ordering paragraph 7 above, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Order, either through the agreement of the parties or pursuant to an order of the Administrative Law Judge, the Commission or an appellate court with applicable jurisdiction. Unresolved challenges arising under paragraph 9 shall be decided on motion or petition by the presiding officer or the Commission as provided by 52 Pa. Code §5.423(a) or by the rulings of an appellate court with

applicable jurisdiction. All such challenges will be resolved in conformity with existing rules, regulations, orders, statutes, precedent, etc., to the extent that such guidance is available.

9. The parties affected by the terms of this Order shall retain the right to question or challenge the confidential or proprietary nature of Proprietary Information; to question or challenge the admissibility of Proprietary Information; to refuse or object to the production of Proprietary Information on any proper ground, including but not limited to irrelevance, immateriality or undue burden; to seek an order permitting disclosure of Proprietary Information beyond that allowed in this Order; and to seek additional measures of protection of Proprietary Information beyond those provided in this Order. If a challenge is made to the designation of a document or information as Proprietary, the party claiming that the information is Proprietary retains the burden of demonstrating that the designation is necessary and appropriate.

10. Upon completion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, which contain any Proprietary Information, shall be immediately returned upon request to the party furnishing such Proprietary or Highly Confidential Information. In the alternative, parties may provide an affidavit of counsel affirming that the materials containing or reflecting Proprietary Information have been destroyed.

Dated: _____

Administrative Law Judge

APPENDIX A

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Larry O'Brien,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-20077291
	:	
Verizon Pennsylvania Inc.,	:	
	:	
Respondent	:	

TO WHOM IT MAY CONCERN:

The undersigned is the _____ of _____ (the retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (the "Producing Party") or an employee of any competitor of the Producing Party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the Producing Party; or (2) an officer, board member, stockholder, partner, or owner other than stock of any affiliate of a Competitor of the Producing Party.

The undersigned has read and understands the Protective Order that deals with the treatment of Proprietary Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Order. In the case of an independent expert, the undersigned represents that he/she has complied with the provisions of paragraph 4 (a)(ii) of the Order prior to submitting this Affidavit.

SIGNATURE

PRINT NAME

ADDRESS

DATE

EMPLOYER