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May 30, 2000

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

Re: GTE Communications Corporation  
1999 Annual Reports

Dear Mr. Roberts:

FILED<sup>2</sup>  
MAY 30 2000  
Missouri Public  
Service Commission

TE-2000-791

Please find enclosed for filing an original and eight copies of Motion For Extension Of Time To File 1999 Annual Reports and Motion For Protective Order filed on behalf of GTE Communications Corporation. A copy of this filing has been sent this date to the General Counsel's Office and the Office of the Public Counsel. Thank you.

Sincerely,

*Brent Stewart*

Brent Stewart

CBS/bt

Enclosure

cc: General Counsel's Office  
Office of the Public Counsel  
Robin Blackwood  
Dave Evans

FILED<sup>3</sup>

MAY 30 2000

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the filing of GTE )  
Communications Corporation's 1999 )  
Annual Reports. )

Case No. TE-2000-791

**MOTION FOR EXTENSION OF TIME TO FILE**  
**1999 ANNUAL REPORTS**  
**AND MOTION FOR PROTECTIVE ORDER**

Comes now GTE Communications Corporation ("GTECC" or "the Company"), by and through counsel and pursuant to 4 CSR 240-10.080, 4 CSR 240-2.015, and 4 CSR 240-2.085, and for its Motion For Extension Of Time To File 1999 Annual Reports And Motion For Protective Order, respectfully states as follows:

1. On or before April 15, 2000, GTECC attempted to file its 1999 verified Annual Reports with the Commission (two Interexchange and one Alternative Basic Local Exchange Reports). As was the case in the past, GTECC sought confidential treatment of portions of these Annual Reports, which most recently was granted in 1997 in Case Nos. TO-98-467, TO-98-468, and TO-97-469, and in 1998, in Case No. TO-99-480. While the 1999 Annual Reports were received by the Commission prior to April 15, 2000, and same were submitted with the confidential portions under seal (pursuant to the procedure required by prior Commission orders), GTECC attempted to make this filing directly and without a pleading by counsel requesting confidential treatment. As such, the 1999 Annual Reports were rejected for filing and returned to the Company with instructions to re-file same along with a pleading, signed by counsel, requesting an extension and requesting confidential treatment. The notice received by the Company also indicated that *all* information would need to be typed directly onto the forms without attachments, despite the prior Commission orders (mentioned above)

which in those cases provided otherwise.

2. As to the issue of requesting confidential treatment without a pleading from counsel, GTECC recently underwent certain internal staffing changes and the in-house persons now responsible for filing the Company's Annual Reports apparently were unaware of the Commission's filing requirements regarding requests for confidential treatment to be filed by an attorney. However, even if they had been aware of the particular filing procedures ordered in the Company's past cases where confidential treatment was properly sought and obtained and they followed same, the filing presumably would have been rejected in any event due to the Company's use of attachments, which heretofore had been permitted. The matter also is in no small measure further complicated now by the fact that the Commission recently revised its rule regarding Protective Orders although that rule first became effective only after GTECC attempted to make its 1999 Annual Report filing.

3. Upon receipt of the Commission's notification that it had rejected the filing, the Company sought local counsel for the purpose of re-submitting the Company's Annual Reports as quickly as possible. Due to scheduled hearings before the Commission (e.g. MCA case) and other caseload commitments, counsel was unable to file this Motion prior to this time. While counsel is in possession of GTECC's 1999 Annual Reports and would like to submit them immediately, additional time unfortunately will be required for counsel to discuss and arrange with Company personnel for the Annual Reports to be revised according to the Commission's new rule regarding protective orders and according to the recent Commission practice that requires all information be actually typed onto the Annual Report form *without*

*attachments*.<sup>1</sup> Even assuming counsel is able to rearrange his existing heavy caseload schedule to take the time necessary to work with the Company to prepare the Reports according to the new rules, there is no way counsel will be able to re-submit the Annual Reports immediately. Counsel notes, for example, that he is scheduled to be in a week long-plus hearing in the Missouri-American Water Company rate case beginning June 5, 2000 and has numerous other pre-scheduled commitments throughout the month of June.

4. While GTECC and counsel will work to revise its Annual Reports for filing as quickly as possible, in the meantime GTECC hereby requests that the Commission issue its standard protective order pursuant to 4 CSR 240-2.085. As in the past, GTECC is seeking confidential treatment for only *portions* of its 1999 Annual Reports, namely its Balance Sheet, Statement of Income, and Statement of Cash Flows. GTECC deems such information to be proprietary and highly confidential financial information, disclosure of which to GTECC's many competitors could be competitively detrimental to GTECC. GTECC discloses such financial information only on a confidential basis and only to banks, financial institutions and others who have a "need to know" requirement for such information. Making this information available would reveal information to the public and GTECC's competitors which would allow them to know the Company's cash position, liabilities, marketing expenditures and other data which GTECC does not wish to disclose without the benefit of a Commission-issued protective order. Such public disclosure could seriously impair and damage GTECC's ability to effectively compete in the emerging competitive marketplace in Missouri and elsewhere. In

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<sup>1</sup> Pursuant to past Commission orders, GTECC has been submitting its prior Reports with the confidential portions in sealed envelopes with the phrase "the following information has been filed under seal" (or something similar) typed on the actual Report forms in the appropriate places. This past procedure apparently is now unacceptable.

those states where this type of financial information is required to be filed, GTECC files similar written requests for protection from disclosure of its financial information with all public utility commissions. To date, no other state utility commission has denied GTECC's request for confidential treatment of this type of information and the specific information sought to be here protected from disclosure has not been publicly disclosed in any other jurisdiction or in any format in any other public document. In past cases, GTECC at Staff's request has provided the Staff with state-specific information relating to the Company's treatment by other state commissions on this issue as well as other corporate financial information. Finally, this Commission in the past has always granted confidential treatment of this information, most recently in the above-cited cases.

5. 4 CSR 240-10.080(8) and 4 CSR 240-2.015 (to the extent applicable) allows a utility to request an extension of time within which to file the utility's annual report provided the reasons therefore are stated. 4 CSR 240-2.085 allows the Commission to issue a protective order.

WHEREFORE, for all of the reasons stated above, GTE Communications Corporation respectfully moves the Commission to grant this Motion For Extension Of Time To File 1999 Annual Reports and Motion For Protective Order.

  
Charles Brent Stewart, MoBar#34885  
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1001 Cherry Street, Suite 302  
Columbia, Missouri 65201  
(573) 499-0635

ATTORNEY FOR GTE  
COMMUNICATIONS CORPORATION

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing Motion was sent this date to the General Counsel's Office and the Office of the Public Counsel by hand-delivery, this 30<sup>th</sup> day of May, 2000.

A handwritten signature in black ink, appearing to read "Charles Brent Penfold", is written over a horizontal line.