

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a) DOCKET NO. 920310-TL
rate increase by CENTRAL) ORDER NO. PSC-92-1194-CFO-TL
TELEPHONE COMPANY OF FLORIDA) ISSUED: 10/21/92
_____)

INTERIM PROTECTIVE ORDER

BY THE PREHEARING OFFICER:

By its Second Motion for Interim Protective Order filed July 24, 1992 Central Telephone Company of Florida (Centel) has requested pursuant to Rule 25-22.006, Florida Administrative Code that this Commission enter an interim protective Order for materials and information requested by Office of Public Counsel (OPC). Centel intends to deliver to OPC materials and information responsive to OPC's Second through Eleventh Production of Documents Requests and First through Tenth Interrogatories.

Centel asserts that the materials and information are voluminous. According to the Company, interspersed among the materials and documents is information which the Company claims is proprietary confidential information, and is of a type this Commission has found in past dockets to be confidential. Likewise, there is other information for which confidentiality is requested in this docket. This includes materials and documents in the following categories:

- A. Audit reports, audit workpapers, and supporting documents.
- B. Business and marketing plans, strategies and studies, and workpapers and supporting documents, including studies evaluating the effectiveness of the Company's advertising and marketing efforts.
- C. Financial and budget information and data of nonregulated businesses, nonregulated segments of regulated businesses of Centel and operating Telephone companies other than Centel, including workpapers and supporting documents.
- D. Minutes of Board of Directors meetings for both Centel and related companies.
- E. Internal audit reports and supporting workpapers.
- F. Memoranda and other information relating to lawsuits, judgements and settlements.

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- G. Information concerning the potential sale and/or reorganization of the Company and its affiliates.
- H. Contracts between the Company and nonregulated businesses and documents relating to those contracts and information about vendors that provide goods and services to the Company.
- I. Tax return information for regulated and nonregulated businesses and activities.
- J. Salary and wage information for employees.

Centel believes that documents in these categories are within the scope of Section 364.183, Florida Statutes, and must be afforded protection as proprietary confidential business information.

Centel asserts that throughout the documents which are responsive to the above noted requests for production of documents are materials which fall within the statutory criteria for confiscated treatment. The Company requests that the Commission protect from disclosure such material and information until OPC is able to complete a review of the materials and information. At the completion of its review, OPC will notify the Company of the specific materials and information it intends to use in this proceeding. At that time, the Company will request specified confidential classification of those materials and information for which it is necessary. By this method, the Company asserts that the discovery process will be more efficient and less time consuming.

In its opposition to Centel's First Motion for Interim Protective Order, OPC requested that the Commission require Centel to segregate the documents between those that have a colorable claim of confidentiality and those that do not. Centel has agreed with OPC on this point and has proposed a series of procedures as follows.

- A. Before producing documents to OPC, the Company will segregate documents with a colorable claim of confidentiality from those which do not have a colorable claim of confidentiality.
- B. Documents with a colorable claim of confidentiality shall be stamped "Confidential." Where less than the entire document is confidential, the specific portions of documents which contain confidential information shall be

highlighted by the Company. If the entire document is confidential, the entire document shall be highlighted by the Company.

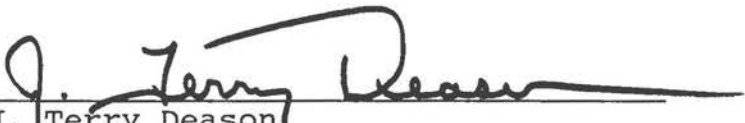
- C. After documents with a colorable claim of confidentiality have been stamped "Confidential" and highlighted, such documents shall be numbered consecutively beginning with the number "1". The Company shall keep an index of documents with a colorable claim of confidentiality which includes the document number and a general description of the document.
- D. Documents with a colorable claim of confidentiality shall be delivered to OPC together with the index described above in envelopes or boxes clearly marked confidential.

OPC has agreed that this set of procedures is acceptable. I have earlier issued an interim protective order incorporating these procedures.

Based on the foregoing, I find it appropriate pursuant to our authority in Section 364.183 Florida Statutes and Rule 25-22.006, Florida Administrative Code, to grant Central Telephone Company of Florida's Second Request of an Interim Protective Order. Accordingly, all documents designated "confidential" in accordance with the procedures outlined above and received by OPC from Central Telephone Company of Florida pursuant to Public Counsel's Second through Eleventh Production of Documents request and Public Counsel's First through Tenth Interrogatories shall be kept confidential from public disclosure under Section 119.07(1), Florida Statutes for the duration of this interim protective Order. By November 21, 1992, OPC shall identify from the documents covered by this interim protective order those which it intends to utilize in the final hearing in this matter. The Company shall then file any request for specified classification that it intends to file for such documents no later than December 7, 1992. This interim shall expire on February 25, 1993. Any documents not identified by OPC to be utilized in final hearing by said date shall be returned to Central Telephone Company of Florida. This Order shall have no effect on the subsequent determination of any request for specified confidential classification of any of these materials and information.

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By Order of the Commissioner, J. Terry Deason, as Prehearing Officer, this 21st day of October, 1992.


J. Terry Deason
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.