

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-95-1286-CFO-WS
availability charges by Southern) ISSUED: October 17, 1995
States Utilities, Inc. for)
Orange-Osceola Utilities, Inc.)
in Osceola County, and in)
Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Hernando, Highlands,)
Hillsborough, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Polk, Putnam, Seminole,)
St. Johns, St. Lucie, Volusia,)
and Washington Counties.)

TEMPORARY PROTECTIVE ORDER ON SSU'S THIRD
AND
FOURTH MOTION FOR TEMPORARY PROTECTIVE ORDER

By its Third and Fourth Motions for Temporary Protective Order (for proprietary confidential business information), Southern States Utilities, Inc., (SSU) has requested, pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, that this Commission issue temporary protective orders for materials and information requested by the Office of Public Counsel (OPC or Citizens). The OPC did not respond to these motions. SSU's request is for interim confidential treatment for information and documents provided pursuant to the following requests:

Citizens' First Set of Interrogatories

114. That part of the response containing information regarding the annual salary of an employee engaged in lobbying activities, provided in response to OPC Interrogatory No. 114.

Citizens' First Set of Requests for Production of Documents

38. With respect to each water and sewer system owned by SSU or its [sic] parent companies or sister companies, provide any document(s) in your custody or control which indicates(s): the date of the Company's acquisition of the system; the original cost of the system; the original cost of the system (at the time of its construction), and whether it is an actual cost or constructed cost; the net book cost of the system at the time the Company purchased or otherwise acquired it; the actual price in dollars which the Company paid for each system; if

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the actual price was met by the Company with consideration in dollars; any cost associated with the transaction such as finder's fee, attorneys fees, recording fees, or the like; whether the purchase was encouraged by the PSC or any representative thereof (for this request, SSU requests that only those documents including the tax returns, financial records, and Agreements of Zoad, Inc., and Lakeside Golf, Inc., be protected).

49. Provide a copy of the monthly, quarterly, and annual presentations to the Company's Board of Directors for the years 1992 to date.
50. Provide a copy of all of the minutes of the Company's Board of Directors meetings for the years 1992 to date.
70. Provide a complete copy of any and all revenue rulings, private letter rulings, tax regulations, court decisions, and IRS correspondence which the Company has received since 1/1/92.
71. Provide a copy of all Federal income tax returns for MPL for each of the years 1992, 1993, and 1994, including a complete copy of any and all schedules, workpapers, and consolidating schedules.
76. Provide a complete copy of all wage, compensation, and employee benefits studies, analyses, or surveys conducted by or for the Company or utilized by the Company for the last three years. (The Hewitt Study, need not be provided.)

Citizens' On-Site Audit Request

1. SSU's one page Response to OPC's on-site request regarding calculation of SSU's 1994 executive bonuses.
2. SSU's four page Response to OPC's on-site audit request (also part of OPC Document Request No. 41) regarding severance pay.

SSU asserts that the materials and information provided in response to the above interrogatories, requests for production, and on-site audit requests are covered by the definition of "proprietary confidential business information" under Section 367.156, Florida Statutes, and is information which this Commission has found to be confidential in the past. SSU intends to seek permanent confidential treatment if it is determined that the information is to be used in this docket. SSU requests that the materials and information described above and provided in response

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to OPC's requests for production, interrogatories, and on-site audit requests be granted the protection of a Temporary Protective Order, which will protect the materials and information from disclosure until OPC completes its review. SSU anticipates that OPC will identify the specific material it intends to use in this proceeding. SSU then will file a motion for a permanent protective order for confidential treatment of that specific material, as per Rule 25-22.006(5)(a), Florida Administrative Code.

Based on the foregoing, pursuant to this Commission's authority under Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, SSU's Requests for a Temporary Protective Order are hereby granted. Accordingly, the documents and information described above and received by OPC and Staff from SSU shall be kept confidential and exempt from public disclosure under Section 119.07(1), Florida Statutes, for the duration of this Temporary Protective Order.

SSU shall, in accordance with the provisions of Rule 25-22.006(5)(a), apply for confidential treatment of those portions of the materials and information which are, in its opinion, entitled to such treatment within fourteen days of notification that OPC has identified the documents or information it will use at the final hearing. This Temporary Protective Order shall remain in effect no longer than eighteen months or fourteen days after OPC determines which information it intends to use and notifies SSU (if that is shorter), by which time OPC shall return to SSU all materials and information that it does not intend to use in this proceeding. The expiration date of this Order shall be void upon the issuance of an order finding that the information and materials herein are not proprietary and confidential business information. This Order shall have no effect on the subsequent determination of any request for specified confidential classification of any of these materials and information.

It is, therefore,

ORDERED by the Florida Public Service Commission that all documents or information received by the Office of Public Counsel or by the Florida Public Service Commission from Southern States Utilities, Inc. in response to Public Counsel's Requests for Production Nos. 38, 49, 50, 70, 71, and 76, Interrogatory No. 114, and on-site audit requests regarding calculation of Southern States Utilities, Inc.'s 1994 executive bonuses and severance pay shall be treated as proprietary confidential business information within the meaning of Section 367.156, Florida Statutes, and protected from public disclosure as required therein. This temporary protective order shall be in effect for eighteen months or until fourteen days

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after the Office of Public Counsel notifies Southern States Utilities, Inc. which information it intends to use at hearing, whichever is shorter. It is further

ORDERED that once the Office of Public Counsel has notified Southern States Utilities, Inc., which of the materials the Office of Public Counsel intends to use in this docket, Southern States Utilities, Inc., in accordance with Rule 25-22.006(5)(a), Florida Administrative Code, shall file within fourteen days a motion for a permanent protective order requesting proprietary confidential treatment of those portions of the materials and information for which it desires confidential treatment. The remaining materials that the Office of Public Counsel does not plan to use in this proceeding shall be returned to Southern States Utilities, Inc., in accordance with Rule 25-22.006(5)(c), Florida Administrative Code. It is further

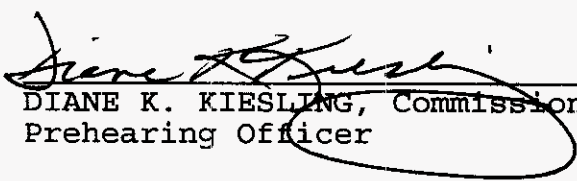
ORDERED that the Office of Public Counsel shall take measures to preserve the confidentiality of the documents and information protected by this Order. No disclosure of the documents or information protected by this Order shall be made or permitted. It is further

ORDERED that pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any protection granted to the documents and information specified herein shall expire no later than eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for protection pursuant to Section 367.156, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Florida Public Service Commission to the parties concerning the expiration of this Temporary Protective Order.

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 17th day of October, 1995.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

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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.