

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-95-1496-CFO-WS
availability charges by Southern) ISSUED: December 1, 1995
States Utilities, Inc. for)
Orange-Osceola Utilities, Inc.)
in Osceola County, and in)
Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, St.)
Johns, St. Lucie, Volusia, and)
Washington Counties.)
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)

TEMPORARY PROTECTIVE ORDER ON SSU'S TENTH
MOTION FOR TEMPORARY PROTECTIVE ORDER

By its Tenth Motion for Temporary Protective Order, Southern States Utilities, Inc., (SSU) has requested, pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, that this Commission issue a temporary protective order for a document requested by the Office of Public Counsel (OPC). OPC has not responded to SSU's motion. SSU's request is for interim confidential treatment for a document requested during the deposition of Dr. John B. Whitcomb, Ph.D, identified as Late Filed Deposition Exhibit No. 6. The exhibit consists of a copy of a draft of Dr. Whitcomb's article entitled "Water Conserving Connection Fees."

SSU asserts that the document identified as Late Filed Deposition Exhibit No. 6 is 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 document described above and provided in response to OPC's request during Dr. Whitcomb's deposition 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, pursuant to Rule 25-22.006(5)(a), Florida Administrative Code.

Pursuant to this Commission's authority under Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code,

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SSU's Tenth Motions for a Temporary Protective Order is hereby granted. Accordingly, the document identified during the deposition of Dr. John B. Whitcomb, Ph.D, as Late Filed Deposition Exhibit No. 6, which has been received by OPC 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 Commissioner Diane K. Kiesling, as Prehearing Officer, that the document received by the Office of Public Counsel from Southern States Utilities, Inc., identified during the deposition of Dr. John B. Whitcomb, Ph.D, as Late Filed Deposition Exhibit No. 6 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 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

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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.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 1st day of December, 1995.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

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