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FILE COPY

January 26, 1990

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No. 890252-PU

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are an original and 12 copies of Citizens' Exception to the Hearing Officer's Proposed Final Version in this docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

ACK
AFA
APP
CAF
CMJ
CTR
ECS Enclosure
LEG
LFI
OPC
RCH
SEC
WAS
WTH

Sincerely,

Darlene Driscoll

RECEIVED & FILED

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

00818 JAN 26 1990

FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Amendment of Rule 25-22.006,)
FAC, pertaining to confidential)
information)
_____)

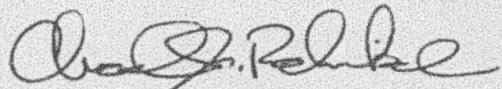
Docket No. 890252-PU
Filed: January 26, 1990

CITIZENS' EXCEPTION TO THE HEARING
OFFICER'S PROPOSED FINAL VERSION

Pursuant to Section 120.54, Fla. Stat. (1989), and the Hearing Officer's January 12, 1990 memorandum to parties, the Citizens file their exceptions to the Hearing Officer's final proposed version of the rule. The Citizens except to the Officer's failure to adopt Citizens' proposed new paragraph 1(f), and amendments to paragraphs 3(b), 3(c), and 6(a). (See Attached). Citizens argument and the record basis for adopting the attached changes are contained in Citizens' December 15, 1989 Posthearing Comments and in Citizens' November 13, 1989 Request for Hearing, and are adopted herein by reference.

Respectfully submitted,

JACK SHREVE
PUBLIC COUNSEL



Charles J. Rehwinkel
Associate Public Counsel

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Attorneys for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 890252-PJ

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties this 25th day of January, 1990.

Bill Bakstran
Division of Legal Services
Fla. Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Matthew Childs
Steel, Hector & Davis
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Committee on Utility Regulation
Attn: Susan Masterson
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Teresa Liles
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Small & Minority Business
Advisory Council
Attn: Newall J. Doughtrey
107 West Gaines Street
Tallahassee, FL 32399-200

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Attn: D. Bruce May
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Miami, FL 33102-9100



Charles J. Rehwinkel
Associate Public Counsel

ATTACHMENT

New 1(f)

"Used in a proceeding" when referring to information in the possession of the Public Counsel means whatever use the Public Counsel in his sole discretion wishes to make of the information pursuant to the discharge of his duties under Section 350.0611, Fla. Stat.

Paragraphs 3(b) and 3(c)

(b) When the material is obtained incident to a formal proceeding, the utility or other person requesting confidential classification shall also serve a copy or summary of its request on all parties of record. The summary shall describe the material in sufficient detail so as to reasonably inform the reader of the nature of the material. Any party to a formal proceeding or any person may file an objection to the request for confidential classification within 14 days after service of the summary.

(c)

The Division of Records and Reporting will make available for public inspection a listing of daily filings with the Commission requesting confidentiality. Such listing shall constitute service of confidentiality requests on non-parties for purposes of this rule.

(6)(a) Any person may file a petition request to inspect and examine any material the Commission has exempted from s. 119.07(1), F.S. A copy of the petition request must be served on the affected utility or person which shall have 10 days to ~~file a response as~~ to show why the material should remain exempt. The petitioner person requesting inspection shall have 7 days to file a reply to the filed response. The Commission ~~may~~ shall either expeditiously set the matter for hearing or ~~may~~ issue a ruling on the pleadings. Material obtained by the Commission in connection with an inquiry shall not be subject to requests for inspection and examination until after the inquiry is terminated.