

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Prudence review to) DOCKET NO. 960409-EI
determine regulatory treatment) ORDER NO. PSC-96-0769-PCO-EI
of Tampa Electric Company's Polk) ISSUED: June 14, 1996
Unit.)
_____)

ORDER REQUIRING TAMPA ELECTRIC COMPANY
TO SUBMIT DOCUMENTS FOR IN CAMERA INSPECTION

On May 9, 1996, the staff of the Florida Public Service Commission (staff) filed a Motion to Compel Tampa Electric Company (TECO) to produce documents in response to staff's First Request for Production of Documents Nos. 6 and 7. On May 17, 1996, TECO filed a Response to Staff's Motion to Compel. Therein, TECO stated that certain documents were being withheld from discovery because the documents were within the scope of the attorney/client privilege. On May 20, 1996, TECO filed an Identification of Documents Withheld Pursuant to the Lawyer/Client Privilege Set Forth in Section 90.502 of the Florida Evidence Code.

On May 24, 1996, staff filed a Request for In Camera Inspection of Documents seeking an inspection of the documents by the prehearing officer and determination of whether the documents do, in fact, fall within the scope of the attorney/client privilege. TECO responded with a Memorandum in Opposition on May 31, 1996.

The request for an in camera inspection is reasonable. I shall, therefore, conduct an in camera inspection of the withheld documents. The purpose of this inspection will be to adjudicate the status of these documents as it relates to TECO's claims of attorney/client privilege.

Based on the foregoing, it is hereby

ORDERED by Joe Garcia, as prehearing officer, that Tampa Electric Company shall submit for in camera inspection all documents withheld from discovery pursuant to its assertion of the attorney/client privilege. It is further

ORDERED that Tampa Electric Company shall submit the documents on or before June 21, 1996.

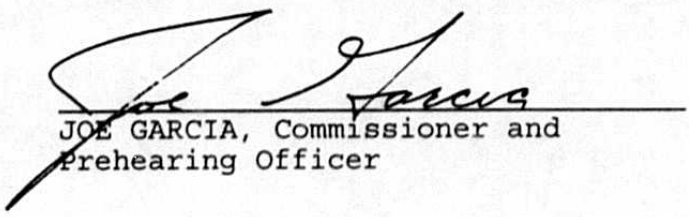
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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner Joe Garcia, as Prehearing Officer,
this 14th day of June, 1996.



JOE GARCIA, Commissioner and
Prehearing Officer

(S E A L)

BC

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 25-22.0376, 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.

MEMORANDUM

June 13, 1996

RECEIVED
JUN 14 1996

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (CULPEPPER) FPSC-RECORDS/REPORTING
RE: DOCKET NO. 960409-EI - PRUDENCY REVIEW TO DETERMINE
REGULATORY TREATMENT OF TAMPA ELECTRIC COMPANY'S POLK
UNIT

re 10:15

0769-PCD

Attached is an ORDER REQUIRING TAMPA ELECTRIC TO SUBMIT DOCUMENTS FOR IN CAMERA INSPECTION to be issued in the above-referenced docket. (Number of pages in Order - 2)

BC/js
Attachment
cc: Division of Electric and Gas
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MUST GO TODAY

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