

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Application for a rate increase) | DOCKET NO. 900329-WS |
| in Citrus, Martin, Marion and Charlotte/) | |
| Lee County by SOUTHERN STATES UTILITIES,) | ORDER NO. 23838 |
| INC.; in Collier County by MARCO ISLAND) | |
| UTILITIES (DELTONA) and MARCO SHORES) | ISSUED: 12-7-90 |
| UTILITIES (DELTONA); in Marion County by) | |
| MARION OAKS UTILITIES (UNITED FLORIDA);) | |
| and in Washington County by SUNNY HILLS) | |
| UTILITIES (UNITED FLORIDA)) | |
| _____) | |

TEMPORARY PROTECTIVE ORDER

On September 28, 1990, Southern States Utilities, Inc., Deltona Utilities, Inc., and United Florida Utilities Corporation (Applicants) completed the minimum filing requirements for a general rate increase. This case is currently scheduled for an administrative hearing on February 11 through 15, 1991.

On July 25, 1990, the Office of Public Counsel (OPC) served notice of its intervention in this proceeding pursuant to the provision of Section 350.0611, Florida Statutes. We acknowledged OPC's intervention by Order No. 23496, issued September 17, 1990.

Since serving notice of its intervention, OPC has served a number of interrogatories and requests for production, including the following:

Requests for Production

21. Income tax, consolidated. Provide a copy of all consolidated Federal and state income tax returns for the last five years, including a complete copy of any and all consolidating schedules and of Schedule M.
22. Income tax returns, state. Provide complete copies of the Florida state income tax returns, including all consolidating schedules and Schedule M, for 1989 and the previous four years.

Interrogatories

133. Income tax, consolidated. For each affiliated company participating in the consolidated tax return with the Company, state the amount of

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book net income or loss, for each of the five years, through 1989. Also provide estimated information for 1990 and 1991.

149. Internal audits, affiliates. Does the parent company's or affiliated service company's internal audit department conduct any internal audits which impact costs allocated or assigned to the Company's regulated utility operations? If so, please list each internal audit completed, scheduled, or in progress at the Company for 1990 and the preceding five years. For each, list subject of audit, date of audit, date of report, and title of report. Make available for inspection each such audit report and supporting workpapers.
150. Internal audits. List each internal audit completed, scheduled, or in progress at the Company for 1990 and the preceding five years. For each, list subject of audit, date of audit, date of report, and title of report. Make available for inspection each such audit report and supporting workpapers.
222. Income taxes. State the last time the parent company, on a consolidated basis, actually paid income tax to the IRS, and provide a complete copy of the associated tax return documenting this.

On October 29, 1990, Applicants moved for a temporary protective order, under the provisions of Rule 25-22.006(5)(c), Florida Administrative Code, for the information sought pursuant to Requests for Production Nos. 21 and 22 and Interrogatories Nos. 133 and 222. On November 7, 1990, Applicants also moved for a temporary protective order for the information requested in Interrogatories Nos. 149 and 150.

In their motions, Applicants state that they believe that the requested information is proprietary, confidential business information subject to the provisions of Section 367.156, Florida Statutes. However, Applicants state that they are willing to provide the requested materials to OPC for its review at

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Applicants' offices in Apopka, Florida or, if appropriate, at the offices of Minnesota Power and Light in Duluth, Minnesota, so long as the materials are granted temporary protection from public disclosure. Applicants further state that, once OPC has identified materials that it intends to use in this proceeding, Applicants will request specified confidential treatment for these materials under Rule 25-22.006(5)(a), Florida Administrative Code.

OPC did not file a written response to Applicants' motions, however, it has stated orally that it does not oppose the motions.

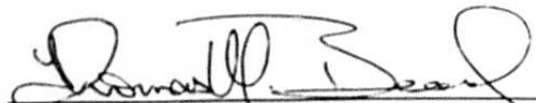
Upon consideration, it appears appropriate to grant Applicants' motions for a temporary protective order. The materials sought by OPC by Requests for Production Nos. 21 and 22, and Interrogatories Nos. 133, 149, 150 and 222 shall, therefore, be treated as confidential information, for a period of sixty days, pending OPC's review and identification of those materials that it intends to use in this proceeding. At that time, if they still believe that the information sought is confidential, Applicants shall file a formal request for confidential treatment.

It is, therefore,

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that Applicants' motions for a temporary protective order for the information sought by Requests for Production Nos. 21 and 22, and Interrogatories Nos. 133, 149, 150 and 222 is hereby granted. It is further

ORDERED that this Temporary Protective Order shall expire in sixty (60) days.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 7th day of DECEMBER, 1990.


THOMAS M. BEARD, 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 sewer 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.