

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate ) DOCKET NO. 911030-WS  
increase in Brevard County by )  
GENERAL DEVELOPMENT UTILITIES, )  
INC. (Port Malabar Division) )  
\_\_\_\_\_ )

In re: Application for a rate ) DOCKET NO. 911067-WS  
increase by GENERAL DEVELOPMENT ) ORDER NO. PSC-92-0153-PCO-WS  
UTILITIES, INC. in Charlotte, ) ISSUED: 4/2/92  
DeSoto and Sarasota Counties )  
\_\_\_\_\_ )

TEMPORARY PROTECTIVE ORDER

By Motion dated April 1, 1992, General Development Utilities, Inc. (GDU or utility) in accordance with Rule 25-22.006(5)(c), Florida Administrative Code, has requested a temporary protective order to exempt from disclosure under Section 119.07(1), Florida Statutes, certain of the utility documents requested by the Office of Public Counsel (OPC) through OPC's First Request for Production of Documents (POD). The documents for which temporary confidentiality is requested consist of GDU's federal and state income tax returns and related documents, and GDU's credit agreement. GDU asserts that the information is confidential and proprietary business information of GDU within the meaning of Section 367.156(3), Florida Statutes.

GDU asserts that it is necessary for it to receive a temporary protective order because, as is set forth in Exhibit 1 to its Motion, it has agreed to permit OPC to inspect and/or copy documents which are currently in the possession of the Intervenor, the Cities of Palm Bay and North Port (the Cities). OPC has agreed to sign a protective agreement if GDU first applies for a temporary protective order with the Commission. Therefore, OPC will be taking possession of certain of these documents and will subsequently identify which of these documents it intends to utilize in this proceeding. At the time that OPC identifies for GDU those specific documents which it intends to use, GDU states that it will file the appropriate request for confidentiality. Therefore, GDU requests a temporary protective order for those documents which OPC will copy and, thereby, take possession of, after its inspection.

We find that Rule 25-22.006(5)(c), Florida Administrative Code, has been properly invoked. Further, we find it appropriate to require OPC to identify, in writing, within fourteen days from

DOCUMENT NUMBER-DATE

03246 APR -2 1992

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the date of this Order, which of the protected documents it intends to utilize in these proceedings. GDU shall have twenty-one days after it receives the written identification of these documents from OPC within which to file a specific request for confidentiality pursuant to Rule 25-22.006(5)(a), Florida Administrative Code.

Based on the foregoing, it is, therefore,


ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that temporary confidentiality, pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, is hereby granted for the specific utility documents described in the body of this Order. It is further

ORDERED that the Office of Public Counsel shall identify, in writing, within fourteen days from the date of this Order, which of these protected documents it determines are to be used in these proceedings. It is further

ORDERED that General Development Utilities, Inc., shall have twenty-one days from the date of receiving written notice of the documents the Office of Public Counsel intends to use to file a specific request for confidentiality pursuant to Rule 25-22.006(5)(a), Florida Administrative Code. It is further

ORDERED that, unless a specific request for confidentiality is filed within the twenty-one day period specified above, this Order will expire at the end of that twenty-one day period.

By Order of Commissioner Susan F. Clark, as Prehearing Officer, this 2nd day of APRIL, 1992.

  
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SUSAN F. CLARK, Commissioner  
and Prehearing Officer

( S E A L )

SFC/LAJ/CB/KAC

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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.