

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 931122-WU
amendment of Certificate No.) ORDER NO. PSC-94-1217-CFO-WU
189-W to include facilities of) ISSUED: October 5, 1994
Lakeside Golf, Inc. and for)
limited proceedings to set rates)
in Citrus County by SOUTHERN)
STATES UTILITIES, INC.)
_____)

ORDER GRANTING JOINT MOTION
FOR TEMPORARY PROTECTIVE ORDER

On August 15, 1994, the Office of Public Counsel (OPC) served its First Set of Interrogatories and First Set of Requests for Production of Documents to Southern States Utilities, Inc. (SSU). On that same date, OPC served its First Set of Interrogatories and First Set of Requests for Production of Documents to Lakeside Golf, Inc. (LGI).

On September 21, 1994, SSU and LGI filed a joint motion for a temporary protective order pursuant to Rule 25-22.006(5)(c), Florida Administrative Code. SSU and LGI request that the Commission issue an order protecting the following documents, which SSU and LGI claim are being produced pursuant to various OPC requests, from public disclosure:

1. Tax returns and financial statements of Zoad, Inc. (LGI's predecessor in interest for ownership of the utility), which are in the possession of SSU's and LGI's accountant;
2. any workpapers or schedules related to the aforementioned tax returns; and
3. the purchase agreement and related agreements between Zoad, Inc., and LGI.

SSU and LGI argue that the materials are proprietary confidential information and that they should be protected from disclosure while in OPC's possession. SSU and LGI assert that they have already provided OPC access to these materials.

Upon consideration, it is appropriate to grant the joint request for a temporary protective order. OPC is, therefore, directed to maintain the confidentiality of the above-described documents while the documents remain in its possession. If the information is to be used in a proceeding before the Commission, then the parties must file a specific request for a protective order, pursuant to Rule 25-22.006(5)(a), Florida Administrative Code. If the information is not to be used in a proceeding, OPC shall return the information to SSU and LGI.

DOCUMENT NUMBER-DATE
10170 OCT-5 94
FPSC-RECORDS/REPORTING

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It is, therefore,

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Southern States Utilities, Inc., and Lakeside Golf, Inc.'s, Joint Motion for a Temporary Protective order is granted, as set forth in the body of this Order. It is further

ORDERED that the Office of Public Counsel shall protect the documents described above from public disclosure to the extent set forth herein while the documents are in its possession.

By Order of Commissioner Diane K. Kiesling, as Prehearing Officer, this 5th day of October, 1994.


DIANE K. KIESLING, Commissioner
and Prehearing Officer

(S E A L)

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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.