

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into United Telephone Company of Florida's authorized return on equity and earnings.) DOCKET NO. 891239-TL
) ORDER NO. 24040
) ISSUED: 1-28-91
)
)

ORDER AUTHORIZING UNITED TELEPHONE COMPANY OF FLORIDA'S WITHDRAWAL OF ITS JANUARY 5, 1990, REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENTS IDENTIFIED AS DOCUMENT NO. 158-90

By pleading filed January 15, 1991, United Telephone Company of Florida (United) has asked permission to withdraw its Request for Specified Confidential Classification, dated January 5, 1990, identified by the Division of Records and Reporting as Document No. 158-90. The Company has also asked to have this Request treated as its seven original Requests for Confidential Classification were treated in Order No. 23694, issued October 29, 1990. United stated that this Request should have been included in its October 16, 1990, request to withdraw its seven other requests for specified confidential classification, but that it was "inadvertently overlooked."

In Order No. 23694, issued October 29, 1990, United was authorized to withdraw its original seven Requests for Specified Confidential Classification. We found this appropriate because no party entered those documents into the record. Because the information covered by this January 5, 1990, Request was likewise not entered into the record by any party, we find it appropriate that this Request be afforded the same treatment as the original seven Requests in Order No. 23694.

We required, by Order No. 23694, that the information protected under the seven requests addressed in that Order remain protected and that the information be returned to the Company within 30 days of the date of that Order by the Public Counsel and by our own Division of Records and Reporting. Therefore, we find it appropriate to authorize United to withdraw its Request for Specified Confidential Classification dated January 5, 1990, and that the information contained therein shall remain confidential and shall be returned to the Company by the Office of Public Counsel and our Division of Records and Reporting within 30 days of the date of this Order.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that United Telephone Company of Florida is hereby authorized to withdraw its Request for Confidential Classification Dated January

DOCUMENT NUMBER-DATE

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5, 1990, and identified as Document No. 158-90. The information contained therein shall remain confidential and shall be returned to the Company within 30 days of the date of this Order by the Office of Public Counsel and by this Commission's Division of Records and Reporting. It is further

ORDERED that if a protest is filed within 14 days of the date of this Order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.005(3)(d), Florida Administrative Code. It is further

ORDERED that if no timely protest is filed, this ruling shall become final pursuant to Rule 25-22.006(2)(f) and (3)(d), Florida Administrative Code.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 28th day of JANUARY, 1991.


BETTY EASLEY, COMMISSIONER AND
PREHEARING OFFICER

(S E A L)

SFS/MAB

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.

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Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration from the full Commission within 14 days pursuant to Rule 25-22.006(3), Florida Administrative Code, for rulings on confidentiality issued by a Prehearing Officer; 2) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, for any rulings on issues other than confidentiality if issued by a Prehearing Officer; 3) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 4) 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.