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REPLY TO:

August 13, 1992

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

HAND DELIVERED ORIGINAL FILE COPY

Re: FPSC Docket No. 920199-WS

Dear Mr. Tribble:

Enclosed herewith for filing in the above-referenced docket are the following documents:

- ACK 1
- ATA 3 1. An original and fifteen copies of Southern States' Amended Motion for Temporary Protective Order for Confidential Information;
- APP _____
- CAF _____ 2. A disk in Word Perfert 5.0 containing a copy of the above-referenced document named "Giga.Amend"; and
- CHAU _____
- CTR _____ 3. An original and fifteen copies of Southern States' Notice of Intent to Request Confidential Classification.
- EAC _____

LEG 1 w/m Please acknowledge receipt of these documents by stamping the
LIN 4 extra copy of this letter "filed" and returning the same to me.

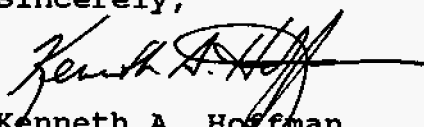
GFC _____ Thank you for your assistance with this filing.

ROH _____

SEC 1

WAS _____

OTH Kay

Sincerely,

Kenneth A. Hoffman

KAH/rl
Enclosures

cc: Brian P. Armstrong, Esq.

RECEIVED & FILED
FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
09105 AUG 13 1992
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Southern)
States Utilities, Inc. and Deltona)
Utilities, Inc. for Increased)
Water and Wastewater Rates in)
Citrus, Nassau, Seminole, Osceola,)
Duval, Putnam, Charlotte, Lee,)
Lake, Orange, Marion, Volusia,)
Martin, Clay, Brevard, Highlands,)
Collier, Pasco, Hernando, and)
Washington Counties.)

Docket No. 920199-WS
Filed: August 13, 1992

**SOUTHERN STATES' AMENDED MOTION FOR
TEMPORARY PROTECTIVE ORDER
FOR CONFIDENTIAL INFORMATION**

TO: HONORABLE BETTY EASLEY
Commissioner and Prehearing Officer
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

SOUTHERN STATES UTILITIES, INC. and DELTONA UTILITIES, INC. (hereinafter referred to collectively as "Southern States"), by and through undersigned counsel and pursuant to Rule 1.280(c), Florida Rules of Civil Procedure and Rules 25-22.006(5) and 25-22.034, Florida Administrative Code, hereby files its Amended Motion for Temporary Protective Order granting exemption of specific information and documents responsive to the OFFICE OF PUBLIC COUNSEL'S ("Public Counsel") First and Third Sets of Interrogatories and First Set of Requests for Production of Documents from Section 119.07(1), Florida Statutes. In support of its Motion for Temporary Protective Order, Southern States states as follows:

1. In Interrogatory Nos. 6(e), 42 and 132 in its First Set of Interrogatories, Interrogatory No. 206(j) and (k) in its Third Set of Interrogatories, and Document Request Nos. 28, 29, 30, 41

DOCUMENT NUMBER-DATE

257

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FPSC-RECORDS/REPORTING

and 53 in its First Set of Requests for Production of Documents, Public Counsel requests Southern States to provide specific information and documents pertaining to salaries, benefits, state and federal income tax returns and related documents and information, and FICA wage base information. The specific information and documents requested by Public Counsel are set forth below:

Public Counsel's First Set of Interrogatories

(6) Identify all expenses associated with acquisitions and mergers incurred during each year for the years 1987, 1988, 1989, 1990, and 1991, and year to date, 1992; and for these years:

e. identify which, if any, officers of the company received any remuneration for activity related to acquisitions and mergers, and if so, the dollar amount.

(42) Please provide the following information for the test year and two preceding years:

a. a list of the company's officers and their salaries.

b. a list of salaries for administrative and general.

c. a list of the expenses charged to Account 921.15, Miscellaneous Office Expense Supplies.

d. a list of expenses and the associated justification for amounts charged to Travel and Entertainment, Officers.

e. a list of expenses and justification for amounts charged to Travel and Entertainment - Other.

(132) Public Relations:

a. Provide the name and title of all management employees (including those employed by subsidiaries or affiliates, including parent companies) who engage in public relations on behalf of the company.

b. State the salary and associated benefits amounts for each employee listed in response to (a) for the year 1991.

c. To the extent not indicated on each voucher, indicate in what account the travel and entertainment expenses are booked, and what allocation factor is used to allocate the costs to the various systems and companies.

d. To the extent not evident on the voucher, explain all codes used to charge expenses to different accounts, systems, and companies.

Public Counsel's Third Set of Interrogatories

(206) For purposes of this request, please refer to MFR Schedule B-1.

j. Please explain the Company's rationale for making the adjustment "Add Allocation of Labor Adjustment Due to Sale of Deltona Gas."

k. Please provide any workpapers and calculations used to develop this adjustment.

Public Counsel's First Set of Requests for Production of Documents

(28) Provide a copy of each bonus and incentive compensation plan in use at the Company and the annual cost to the Company under each such plan for the years 1989, 1990 and 1991 and state the annual budgeted cost expected to be incurred by the Company under each such bonus or incentive plan for the current year and the next three years.

(29) Provide a complete copy of any and all revenue rulings, private letter rulings, tax regulations, court decisions, and IRS correspondence which the company has received since 1/1/89.

(30) Provide a copy of all Federal and state income tax returns for the years 1988, 1989, 1990 and 1991, including a complete copy of any and all consolidating schedules, workpapers and Schedule M.

(41) Taxes, other than income taxes. Provide full supporting documentation, workpapers and correspondence

associated with any and all taxes other than income taxes paid in the years 1989, 1990 and 1991. Also provide full supporting documentation, workpapers and correspondence associated with any refunds of taxes other than income taxes received in the past two years. Indicate which accounts were affected and the associated dollar amounts. Also describe how the Company intends to treat this item for rate case purposes.

(53) Provide workpapers and salary listings supporting the FICA wage base used by the Company to compute FICA expense for 1989, 1990 and 1991.

2. Section 367.156(3) Florida Statutes, defines "proprietary confidential business information" to include information which if disclosed "would cause harm to the ... company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public." Under the statute, proprietary business information includes, but is not limited to:

(a) Trade secrets.

(e) Information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information.

3. Section 688.002(4), Florida Statutes, defines a "trade secret" as information that:

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

4. Southern States maintains that the salary, benefits and tax information requested by Public Counsel falls within the scope of a "trade secret" as defined by statute. The information also relates to Southern States' competitive interests such that the public disclosure of such information would cause harm to Southern States' business operations and competitive interests. The water and wastewater industry is a highly competitive industry. Water and wastewater utilities compete for qualified and experienced personnel. Maintaining quality employees at reasonable and justified salary levels is a key ingredient to the provision of quality service at reasonable rates. The salary and benefits information and documents requested by Public Counsel clearly relates to Southern States' competitive interests and the public disclosure of such information may ultimately serve to adversely impact Southern States' ability to retain qualified employees at reasonable salary levels. The various items of tax information and documents requested by Public Counsel also constitute proprietary confidential business information as defined by Section 367.156(3), Florida Statutes as previously recognized by the Commission on a number of occasions. See, e.g., Docket No. 900239-WS, Order No. 23838 issued December 7, 1990.

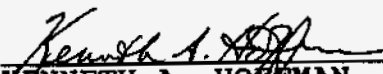
5. Southern States will provide the above-described information and documents requested by Public Counsel to analysts/employees of Public Counsel working at Southern States' home office in Apopka, Florida, on this date, August 7, 1992.

6. If Public Counsel identifies specific materials that it

intends to use in this proceeding, Southern States will file a formal request for confidential treatment of such materials pursuant to a motion for protective order as required by Rule 25-22.006(5)(a), Florida Administrative Procedure.

WHEREFORE, for the reasons stated above, Southern States requests the Prehearing Officer to enter an order granting this Motion for a Temporary Protective Order and that the information sought by Interrogatory Nos. 6(e), 42, 132 and 206(j) and (k) and the documents sought pursuant to Document Request Nos. 28, 29, 30, 41 and 53 be treated as proprietary and confidential for a period of sixty (60) days, pending Public Counsel's review and identification of those materials that it intends to use in this proceeding.

Respectfully submitted,


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Attorneys for Applicants Southern
States Utilities, Inc. and
Deltona Utilities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Southern States' Amended Motion for Temporary Protective Order for Confidential Information was furnished by hand delivery, this 13th day of August, 1992, to the following:

Harold McLean, Esq.
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400

Matthew Feil, Esq.
Catherine Bedell, Esq.
Florida Public Service Commission
Division of Legal Services
101 East Gaines Street
Room 226
Tallahassee, Florida 32399

By: 
KENNETH A. HOFFMAN, ESQ.