

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate) DOCKET NO. 920199-WS
increase in Brevard, Charlotte/) ORDER NO. PSC-92-1058-CFO-WS
Lee, Citrus, Clay, Duval,) ISSUED: 09/23/92
Highlands, Lake, Marion,)
Martin, Nassau, Orange,)
Osceola, Pasco, Putnam,)
Seminole, Volusia, and)
Washington Counties by SOUTHERN)
STATES UTILITIES, INC.; Collier)
County by MARCO SHORES)
UTILITIES (Deltona); Hernando)
County by SPRING HILL UTILITIES)
(Deltona); and Volusia County)
by DELTONA LAKES UTILITIES)
(Deltona))
_____)

INTERIM PROTECTIVE ORDER

By Motion for Temporary Protective Order For Confidential Information, Southern States Utilities, Inc. and Deltona Utilities, Inc. (SSUI) has requested that this Commission issue an interim protective order for materials and information requested by the Office of Public Counsel (OPC). Specifically, SSUI's request is for interim confidential treatment for "cost separation report dated 4/92 and 1/89 prepared by Minnesota Power's Internal Audit Dept. re: Interrogatory No. 68."

SSUI asserts that the materials and information provided in response to the above interrogatory is covered by the definition of "proprietary confidential business information" under Section 367.156, Florida Statutes, which includes "internal auditing controls and reports of internal auditors," and is information which this Commission has found to be confidential in the past. SSUI intends to seek permanent confidential treatment if the information is needed in this Docket. SSUI requests that the materials and information described above provided in response to OPC's interrogatory be granted the protection of an Interim Protective Order, which will protect the materials and information from disclosure until OPC completes its review. SSUI anticipates that OPC will identify the specific material it intends to use in this proceeding. SSUI then will file a motion for a permanent protective order for confidential treatment of that specific material, as per Rule 25-22.006(5)(a), Florida Administrative Code.

Based on the foregoing, I find it appropriate, pursuant to this Commission's authority under Section 367.156, Florida

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Statutes, and Rule 25-22.006, Florida Administrative Code, to grant SSUI's Request for Interim Protective Order. Accordingly, the documents received by OPC from SSUI shall be kept confidential and be exempt from public disclosure under Section 119.07(1), Florida Statutes, for the duration of this Interim Protective Order. SSUI requested that the documents be treated as confidential under this order for a period of 60 days. This Interim Protective Order shall expire on November 2, 1992, 60 days from the date of SSUI's motion, by which time OPC shall return to SSUI all materials and information that it does not intend to use in this proceeding. The expiration date of this Order shall be void upon the issuance of an order finding that the information and materials herein are not proprietary and confidential business information. This Order shall have no effect on the subsequent determination of any request for specified confidential classification of any of these materials and information.

It is, therefore,

ORDERED by the Florida Public Service Commission that all information received by the Office of Public Counsel or by the Commission from Southern States Utilities, Inc. and Deltona Utilities, Inc. in response to Public Counsel's Interrogatory No. 68, specifically the cost separation reports dated April, 1992, and January, 1989, prepared by Minnesota Power's Internal Audit Department, shall be treated as proprietary confidential business information within the meaning of section 367.156, Florida Statutes, and protected from public disclosure as required therein. This interim protective order shall expire on November 2, 1992. It is further

ORDERED that once this review is completed and the Office of Public Counsel has notified Southern States Utilities, Inc. and Deltona Utilities, Inc. as to which of the materials OPC intends to use in this docket, SSUI, in accordance with Rule 25-22.006(5)(a), Florida Administrative Code, will file a motion for a permanent protective order requesting proprietary confidential treatment of those portions of the materials and information for which it is necessary. The remaining materials that OPC does not plan to use in this proceeding will be returned to SSUI, in accordance with Rule 25-22.006(5)(c), Florida Administrative Code. It is further

ORDERED that stringent measures to preserve the confidentiality of the documents protected by this Order. No disclosure of the documents protected by this Order shall be made or permitted.

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By ORDER of Commissioner Betty Easley, as Prehearing Officer,
this 23rd day of September, 1992.



BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

BE/KAC/MJF

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.