

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Numeric) DOCKET NO. 930548-EG
Conservation Goals and) ORDER NO. PSC-94-0412-CFO-EG
Consideration of National Energy) ISSUED: April 8, 1994
Policy Act Standards (Section)
111) by Florida Power and Light)
Company.)
_____)

TEMPORARY PROTECTIVE ORDER

On March 16, 1994, the Legal Environmental Assistance Foundation, Inc, (LEAF) filed a Motion to Compel Discovery, requesting that Florida Power & Light Company (FPL) respond to LEAF's First Request for Production of Documents, served on February 10, 1994. On March 23, 1994, FPL filed a Response to LEAF's Motion to Compel which, in the alternative requested the issuance of a Protective Order, granting confidential status to designated documents, and granting access to LEAF to review the documents under specified terms and conditions. On April 6, 1994, I held a noticed meeting of the parties in an attempt to resolve discovery disputes between LEAF and FPL. At the meeting both parties agreed that pursuant to a protective order, FPL would make its documents available to LEAF for inspection but not for copying; that if after inspection, LEAF wanted to use any of the documents, that FPL would be given an opportunity to either request a subsequent protective order or file a notice of intent to have the document held confidential. This temporary protective order is being issued pursuant to that agreement between LEAF and FPL in order to facilitate discovery and the ultimate resolution of the issues raised in this docket. I find that the temporary protective order should be issued without prejudice to FPL requesting the Commission's further review of the confidential status of specific documents specified by LEAF, or requesting a subsequent protective order pertaining to said specific documents.

It is therefore,

ORDERED by the Florida Public Service Commission that Florida Power & Light Company shall provide the Legal Environmental Assistance Foundation, Inc. an opportunity to review the documents requested by the Legal Environmental Assistance Foundation, Inc. in its First Request for Production of Documents. It is further

ORDERED that all such information reviewed by the Legal Environmental Assistance Foundation, Inc. shall be treated by Legal Environmental Assistance Foundation, Inc. as confidential proprietary business information within the meaning of Section 366.093, Florida Statutes, and protected from public disclosure as required therein. It is further

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

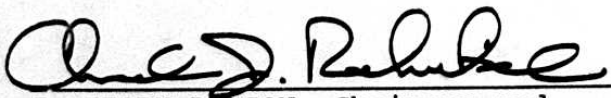
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ORDERED that once this review is completed and the Legal Environmental Assistance Foundation, Inc. has notified the company as to which of the materials and information Legal Environmental Assistance Foundation, Inc. intends to use in this docket, the company, may at its option request a subsequent protective order pertaining to said specific documents or may request proprietary confidential treatment of those portions of the materials and information which are, in its opinion, entitled to such treatment. It is further

ORDERED that the Legal Environmental Assistance Foundation, Inc. shall take stringent measures to preserve the confidentiality of the documents protected by this Order. No disclosure of the documents protected by this Order, including internal memoranda and notes which contain the information in these documents shall be made or permitted by the Legal Environmental Assistance Foundation, Inc. except to those employees, attorneys, representatives, experts, consultants, and witnesses who have a need to know the contents of the documents to further the Legal Environmental Assistance Foundation, Inc.'s participation in Docket No. 930548-EG. All individuals and entities to whom the Legal Environmental Assistance Foundation, Inc. discloses information from the documents it reviews will be made aware by the Legal Environmental Assistance Foundation, Inc. of the confidential nature of the documents and the obligation to abide by the terms of this Order. The Legal Environmental Assistance Foundation, Inc. will inform each person to whom disclosure of information from the documents is to be made that he or she is bound by all of the terms and conditions hereof. The Legal Environmental Assistance Foundation, Inc. shall take stringent measures to ensure that all such persons maintain the confidentiality of information from the documents it reviews in accordance with this Order. It is further

ORDERED that any person or party violating the terms and conditions of this Order shall be subject to sanctions.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 8th day of April, 1994.


Asst. To J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)
MAP:bmi

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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.