

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-95-1318-CFO-WS
availability charges by Southern) ISSUED: October 30, 1995
States Utilities, Inc. for)
Orange-Osceola Utilities, Inc.)
in Osceola County, and in)
Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Hernando, Highlands,)
Hillsborough, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Polk, Putnam, Seminole,)
St. Johns, St. Lucie, Volusia,)
and Washington Counties.)

ORDER GRANTING PROTECTIVE ORDER

This order addresses Southern States Utilities, Inc.'s, (SSU) Objection To and Motion for Protective Order from Interrogatory No. 157 propounded on September 12, 1995, by the Office of the Public Counsel (OPC) in its Fifth Set of Interrogatories. OPC did not file a response to SSU's motion.

OPC's Interrogatory No. 157 requests that SSU respond to the following question:

Income tax, consolidated. For each affiliated company participating in the consolidated tax return with the company, state the amount of estimated net income or loss for 1995 and 1996.

SSU asserts that Interrogatory No. 157 is vague, because SSU cannot determine whether OPC seeks information regarding book income or loss, tax income or loss, or both. SSU also objects to the interrogatory for the following reasons: 1) SSU does not have possession, custody, or control over the projected income figures of every corporation mentioned in Interrogatory No. 157; 2) the request seeks information not relevant to this case; and 3) the privacy interests of the other corporations outweigh OPC's interests in discovering information that might be relevant.

Interrogatory No. 157 is overly broad and, as written, may encompass privileged information. See Krypton Broadcasting of Jackson vs. MGM Pathe Communications Company, 629 So.2d 852 (Fla. 1st DCA 1993). SSU's Motion for Protective Order is granted and a protective order is hereby entered as to Interrogatory No. 157.

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Based on the foregoing, it is therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Southern States Utilities, Inc.'s, Motion for Protective Order from answering the Office of Public Counsel's Interrogatory No. 157 is granted, and a protective order is hereby entered.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 30th day of October, 1995.



DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

BC

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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.