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August 13, 1998

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

HAND DELIVERY

RECEIVED-FPSC  
98 AUG 13 AM 11:10  
RECORDS AND REPORTING

Re: Docket No. 980744-WS

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Florida Water Services Corporation ("Florida Water") are the original and fifteen copies of Florida Water's Motion for Temporary Protective Order.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

RECEIVED & FILED

Sincerely,

*[Signature]*  
FPSC BUREAU OF RECORDS

*[Signature]*  
Kenneth A. Hoffman

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
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- WAS 1 \_\_\_\_\_
- OTH \_\_\_\_\_

KAH/rl  
Enclosures  
cc: Parties of Record  
Trib.3

DOCUMENT NUMBER-DATE  
08597 AUG 13 98  
FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into ratemaking )  
consideration of gain on sale from )  
sale of facilities of Florida Water )  
Services Corporation to Orange )  
County. )  
\_\_\_\_\_ )

Docket No. 980744-WS

Filed: August 13, 1998

**FLORIDA WATER SERVICES CORPORATION'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Florida Water Services Corporation ("Florida Water"), pursuant to Rule 25-22.006(6), Florida Administrative Code, moves the Florida Public Service Commission ("Commission") for a Temporary Protective Order in this docket, and as grounds therefor, states as follows:

1. On July 10, 1998, the Office of Public Counsel ("OPC") served its First Request for Production of Documents to Florida Water (Nos. 1-8).

2. OPC Document Request No. 1 states as follows:

With respect to the sale of the Company's Orange County systems, please provide each document in your possession, custody or control evaluating, analyzing or commenting on sale. This request includes, but is not limited to, all strategic plans, analyses undertaken, and other documents concerning your plans or strategies for selling the Orange County systems.

OPC Document Request No. 3 states:

With respect to the sale of the Company's Orange County systems, please provide all correspondence between any employees of the Company and any consultants to the Company.

OPC Document Request No. 5 states:

With respect to the sale of the Orange County systems, provide all documents which evaluated, examined, or commented on the terms of the sale.

DOCUMENT NUMBER-DATE

08597 AUG 13 88

FPSC-RECORDS/REPORTING

3. On this date, Florida Water has agreed to provide OPC access to documents responsive to OPC Document Request Nos. 1, 3 and 5 containing information which Florida Water claims to be proprietary confidential business information, and is of a type this Commission has found to be confidential in past dockets. See, e.g., Order No. PSC-95-1377-CFO-WS issued November 6, 1995 in Docket No. 950495-WS, attached hereto as Exhibit A.

4. Florida Water maintains that this information is within the scope of Section 367.156(3), Florida Statutes, and must be afforded protection as proprietary confidential business information.

5. By this Motion, Florida Water requests that the information and materials identified above and provided to OPC be granted the protection of a Temporary Protective Order as provided for by Rule 25-22.006(6)(c), Florida Administrative Code. This Temporary Protective Order will protect the materials and information from disclosure until OPC completes its review of the materials and information. Once the review is completed, OPC will notify Florida Water of the materials and information it intends to use in this docket, and Florida Water, in accordance with Rule 25-22.006(6)(a), will request proprietary confidential treatment of those portions of the materials and information which are, in its opinion, entitled to such treatment. The remainder of any such materials and information to which OPC has been provided access and copies of which OPC may take possession of pursuant to this Temporary Protective Order will be returned to Florida Water by OPC pursuant to Rule 25-22.006(6)(c).

6. Florida Water reserves the right to assert attorney-client, attorney work product and other applicable privileges as to any documents falling within such privileges.

WHEREFORE, Florida Water respectfully moves the Commission for a Temporary Protective Order covering the above described documents and information provided to OPC in response to OPC Document Request Nos. 1, 3 and 5.

Respectfully submitted,



KENNETH A. HOFFMAN, ESQ.

JOHN R. ELLIS, ESQ.

Rutledge, Ecenia, Underwood, Purnell  
& Hoffman, P.A.

P. O. Box 551

Tallahassee, FL 32302-0551

(850) 681-6788

and

BRIAN P. ARMSTRONG, Vice President and  
General Counsel

MATTHEW J. FEIL, ESQ.

Florida Water Services Corporation

1000 Color Place

Apopka, FL 32703

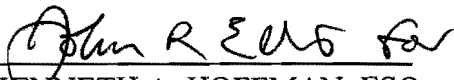
(407) 880-0058

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of Florida Water Services Corporation's Motion for Temporary Protective Order was furnished by hand delivery to the following this 13<sup>th</sup> day of August, 1998:

Lila Jaber, Esq.  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Gerald L. Gunter Building  
Room 370  
Tallahassee, FL 32399-0850

Stephen C. Burgess  
Deputy Public Counsel  
Office of Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

By:   
KENNETH A. HOFFMAN, ESQ.

Fwa.ora

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate ) DOCKET NO. 950495-WS  
increase and increase in service ) ORDER NO. PSC-95-1377-CFO-WS  
availability charges by Southern ) ISSUED: November 6, 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. )

TEMPORARY PROTECTIVE ORDER ON SSU'S FIFTH AND  
SIXTH MOTIONS FOR TEMPORARY PROTECTIVE ORDER

By its Fifth and Sixth Motions for Temporary Protective Order, Southern States Utilities, Inc., (SSU) has requested, pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, that this Commission issue a temporary protective order for materials and information requested by the Office of Public Counsel (OPC or Citizens). OPC has not responded to SSU's motions. SSU's request is for interim confidential treatment for information and documents provided pursuant to the following requests:

Citizens' First Set of Interrogatories

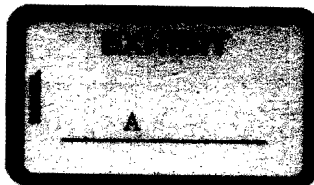
68. (a) Provide the annual salary for 1994 and as budgeted for 1995 and 1996 for any person employed by MPL which is testifying in this case and/or which has charged time to the Company during the historic test year 1994.

(b) For each person identified in (a), please reconcile the hourly rate charged to the Company compared to the equivalent hourly rate indicated by their salary.

81. List all senior executives (vice presidents and above) of MPL, their title, their annual salaries, and their annual benefits, and a description of the service they provide to the Company. Provide this information for the years 1993, 1994, and 1995.

Citizens' Third Set of Interrogatories

112. For each of the test years, state the total amount of administrative and general salaries charged to acquisitions and



each subaccount of account 4260. Explain how the Company budgeted the amount of salaries and wages that would be charged to acquisitions for each test year. For each employee which charged or allocated costs to acquisitions, state their total salary and benefits for each test year.

114. For each of the test years, state the total amount of administrative and general salaries charged to lobbying (sic) expenses. Explain how the Company budgeted the amount of salaries and wages that would be charged to lobbying, and state by employee the amount charged to lobbying for each test year. For each employee which charged or allocated costs to lobbying state their total salary and benefits for each test year.

Citizens' Sixth Set of Interrogatories

196. For purposes of this request, please refer to the Company's response to OPC's interrogatory 98. Please state the salary of Mr. Cirello and all associated benefits. Please indicate the amount of salary included in each test year for the president of SSU. For the years 1994, 1995, and 1996, please indicate how much of the president's salary was charged to companies other than SSU.

Citizens' Third Set of Requests for Production of Documents

161. Please provide each document in your possession, custody or control evaluating, analyzing or commenting on potential sales or purchases of water and/or wastewater companies, whether by stock, asset purchase, or other means. This request includes, but is not limited to, all strategic plans and other documents concerning your plans or strategies for either selling or purchasing water and/or wastewater companies.

Citizens' Sixth Set of Requests for Production of Documents

193. Provide a copy of the Company's five-year strategic plan.

SSU asserts that the materials and information provided in response to the above interrogatories and requests for production are covered by the definition of "proprietary confidential business information" under Section 367.156, Florida Statutes, and is information which this Commission has found to be confidential in the past. SSU intends to seek permanent confidential treatment if it is determined that the information is to be used in this docket. SSU requests that the materials and information described above and provided in response to OPC's interrogatories and requests for

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DOCKET NO. 950495-WS  
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production be granted the protection of a Temporary Protective Order, which will protect the materials and information from disclosure until OPC completes its review. SSU anticipates that OPC will identify the specific material it intends to use in this proceeding. SSU then will file a motion for a permanent protective order for confidential treatment of that specific material, pursuant to Rule 25-22.006(5)(a), Florida Administrative Code.

Based on the foregoing, pursuant to this Commission's authority under Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, SSU's Fifth and Sixth Motions for a Temporary Protective Order are hereby granted. Accordingly, the documents and information described above and received by OPC from SSU shall be kept confidential and exempt from public disclosure under Section 119.07(1), Florida Statutes, for the duration of this Temporary Protective Order.

SSU shall, in accordance with the provisions of Rule 25-22.006(5)(a), apply for confidential treatment of those portions of the materials and information which are, in its opinion, entitled to such treatment within fourteen days of notification that OPC has identified the documents or information it will use at the final hearing. This Temporary Protective Order shall remain in effect no longer than eighteen months or fourteen days after OPC determines which information it intends to use and notifies SSU (if that is shorter), by which time OPC shall return to SSU 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 Commissioner Diane K. Kiesling, as Prehearing Officer, that all documents or information received by the Office of Public Counsel from Southern States Utilities, Inc., in response to Public Counsel's Interrogatories Nos. 68, 81, 112, 114, and 196 and Requests for Production Nos. 161 and 193 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 temporary protective order shall be in effect for eighteen months or until fourteen days after the Office of Public Counsel notifies Southern States Utilities, Inc., which information it intends to use at hearing, whichever is shorter. It is further



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

ORDERED that the Office of Public Counsel shall take measures to preserve the confidentiality of the documents and information protected by this Order. No disclosure of the documents or information protected by this Order shall be made or permitted. It is further

ORDERED that pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any protection granted to the documents and information specified herein shall expire no later than eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for protection pursuant to Section 367.156, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Florida Public Service Commission to the parties concerning the expiration of this Temporary Protective Order.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 4th day of November, 1995.

/s/ Diane K. Kiesling  
DIANE K. KIESLING, Commissioner and  
Prehearing Officer

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.

( S E A L )

MEO