

REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER

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Date of Request: 7/16/2004 Date of Agenda Conference: 7/20/2004 Item No. 7 JUL 16 AM 11:05

Docket No.: 040086-EI Brief Title: Allied Petition to vacate Commission Order

Requested by: Staff Other _____ (Name) **COMMISSION CLERK**

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11]

- Defer Item to Agenda Scheduled Date: _____
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**
- Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Allied and Odyssey have filed requests for confidential treatment of depositions and related exhibits that contain proprietary business information. The depositions have also been filed in Allied's lawsuit against Odyssey in Miami-Dade circuit court, and they have not been sealed. The parties and OPC want an expedited determination of the confidentiality of the depositions in the case before the Commission. Commissioner Jaber, the Prehearing Officer, believes that the full Commission should address this issue immediately, because it is a matter of first impression and to avoid conflict with the circuit court proceedings.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH Boyo
Thompson
Wang

Signature (Technical Staff): Conn Skinner

Initials (Division Director or Designee): TJS

Signature (Legal Staff): Martha Carter Brown

Initials (General Counsel or Designee): RCB

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office
Initials: MPB
Comments:

Approve Request Deny Request
Date: 7/16/04

CHAIRMAN'S OFFICE:

Initials: BBK

Approve Request Deny Request
Date: 7-16-04

Executive Suite will send the original to the Division of Commission Clerk & Administrative Services and return copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

07758 JUL 16 3