

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-95-1207-PCO-WS
availability charges by Southern) ISSUED: September 29, 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 FIRST
AND
SECOND MOTION FOR TEMPORARY PROTECTIVE ORDER

By Motion for Temporary Protective Order (for proprietary confidential business information), Southern States Utilities, Inc., (SSU) has requested that this Commission issue a temporary protective order for materials and information requested by the Office of Public Counsel (OPC). The OPC did not respond to these motions. SSU's request is for interim confidential treatment for information and documents provided pursuant to the following requests:

Citizens' First Set of Interrogatories

14. Identify all expenses associated with acquisitions and mergers incurred during each year for the years 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994 and year to date, 1995; and for these years: indicate which system or company the expenses relate to; indicate how much of the expense is related to acquisitions or mergers which resulted in a transfer to the Company and how much is related to mergers and acquisitions which did not result in a transfer to the Company; indicate in what accounts the dollars were booked; identify which, if any, officers of the Company received any remuneration for activity related to acquisitions and mergers, and if so, the dollar amount.

DOCUMENT NUMBER-DATE

09652 SEP 29 1995

FPSC-RECORDS/REPORTING

26. Please provide the following information for the test years and two preceding years:
- (a) A list of the Company's officers and managers and their salaries.
 - (b) A list of salaries for administrative and general personnel.
60. (a) Provide the name and title of all employees (including those employed by subsidiaries or affiliates, including parent companies) who engage in public relations on behalf of the Company.
- (b) State the salary and associated benefits amounts for each employee listed in response to (a) for the year 1994, and as budgeted for 1995 and 1996.
74. (a) Identify all costs incurred by the Company during 1982 (sic), 1993, 1994, and 1995 associated with possible acquisitions which did not or has not resulted in an acquisition. Identify in what accounts the costs were books.
- (b) Identify each possible acquisition which did not or has not resulted in an acquisition for the years identified above.
 - (c) Identify all individuals involved with possible acquisitions and explain their role in the acquisition program.
80. List all employees of Topeka Group, their title, their annual salaries, and their annual benefits, and a description of the services they provide to the Company. Provide this information for the years 1993, 1994, and 1995.

Citizens' First Set of Requests for Production of Documents.

69. Provide a copy of each bonus and incentive compensation plan in use at the Company and MPL for the years 1992, 1993, 1994, and as budgeted for 1995.
128. Provide a copy of all internal memorandum, reports, studies, and other documents between or by employees of the company, Topeka, and MPL, and all memorandum to files which address the company's discontinuance of the remainder of its gas operations.

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SSU asserts that the materials and information provided in response to the above interrogatories and request 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 the information is needed in this docket. SSU requests that the materials and information described above and provided in response to OPC's interrogatories and requests for 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, as per 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 Request for Temporary Protective Order is hereby granted. Accordingly, the documents received by OPC and Staff 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 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 the Florida Public Service Commission that all information received by the Office of Public Counsel or by the Commission from Southern States Utilities, Inc. in response to Public Counsel's Interrogatories Nos. 14, 26, 60, 74 and 80, and

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Requests for Production No. 69 and 128, 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 OPC notifies SSU which information it intends to use at hearing, whichever is shorter. It is further

ORDERED that once the Office of Public Counsel has notified Southern States Utilities, Inc., which of the materials OPC intends to use in this docket, SSU, 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 OPC does not plan to use in this proceeding shall be returned to SSU, in accordance with Rule 25-22.006(5)(c), Florida Administrative Code. It is further

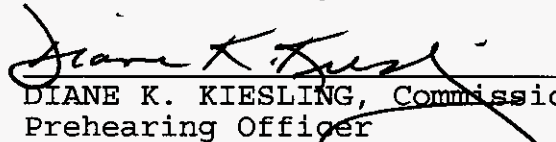
ORDERED that OPC shall take measures to preserve the confidentiality of the documents protected by this Order. No disclosure of the documents protected by this Order shall be made or permitted. It is further

ORDERED that pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any protection granted to the documents 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 Commission to the parties concerning the expiration of this Temporary Protective Order.

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 29th day of September, 1995.



DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

RRJ

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.