

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Planning Hearings on Load)	DOCKET NO.	910004-EU
Forecasts Generation Expansion)	ORDER NO.	24554
Plans, and Cogeneration Prices)	ISSUED:	5/20/91
for Florida's Electric Utilities.)		

ORDER GRANTING MOTION FOR PROTECTIVE ORDER

On May 6, 1991, Florida Power & Light Company (FPL) served a Subpoena Duces Tecum for Deposition for Douglas Divine directing Dr. Divine to produce 14 categories of documents at his May 9, 1991 deposition. On May 9, 1991, Nassau Power Corporation (Nassau) filed a motion for protective order, or in the alternative, motion to quash subpoena. On May 14, 1991, FPL filed a response to Nassau's motion. On May 16, 1991, Nassau and FPL presented oral argument to the prehearing officer regarding their respective positions.

The basis for Nassau's motion is that certain documents sought by FPL through its subpoena (items 1, 2, 3, 4, 9 and 14) are irrelevant to the limited issues in this proceeding, and contain confidential proprietary business information. Having heard argument of counsel, and being fully advised in the premises, and having carefully examined the list of documents being requested by FPL, the prehearing officer finds that items 1, 2, 3, 4, 9 and 14, requested by FPL are irrelevant to the limited issues which will be considered at the hearing scheduled for May 20, 22, and 23, 1991. Therefore, Nassau's motion for protective order will be granted on a limited basis, without prejudice for FPL to renew its document request at a later stage, should such documents be relevant to issues considered at future proceedings in this docket.

With regard to Nassau's contention that the documents contain confidential proprietary business information, the prehearing officer notes that Nassau has not satisfied the Commission's rules regarding confidentiality. Nassau argues that given the late date of the subpoena, it simply hasn't had time to comply. Having ruled that the documents in question are irrelevant to the issues at hand, it is unnecessary for the prehearing officer to rule on the matter of confidentiality and therefore, no such ruling will be made. Suffice it to say however, that the prehearing officer is distressed by the lateness of discovery in this docket, and steps will be taken to see that this does not occur in the future.

DOCUMENT NUMBER-DATE

04986 MAY 20 1991

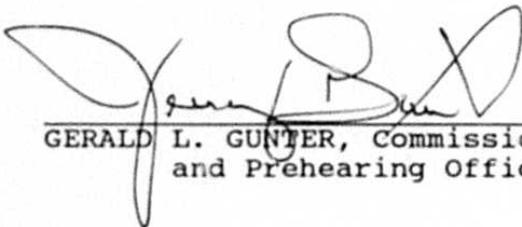
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Accordingly, it is

ORDERED by Commissioner Gerald L. Gunter, Prehearing Officer, that the motion for protective order filed by Nassau Power Corporation is granted on a limited basis in that Nassau Power Corporation will not be required to produce the documents in question for the May 20, 22 and 23, 1991 hearing in this docket. Nassau's motion is granted without prejudice for FPL to renew its document request at a later stage, should such documents be relevant to issues considered at future proceedings in this docket.

By ORDER of the Commissioner Gerald L. Gunter, Prehearing Officer, this 20th day of MAY, 1991.



GERALD L. GUNTER, Commissioner
and Prehearing Officer

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