

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Generic Investigation) DOCKET NO. 930485-TL
into the proper regulatory) ORDER NO. PSC-94-1097-CFO-TL
treatment of inside wire.) ISSUED: September 7, 1994

ORDER GRANTING MOTION FOR INTERIM PROTECTIVE ORDER

On July 26, 1994, pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, United Telephone Company of Florida (United) filed a Motion for an Interim Protective Order for materials and documents produced in response to the Office of Public Counsel's First Request for Production. It also requested interim protective status for "future requests for production of documents and interrogatories."

The purpose of an interim protective order issued pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, is to facilitate the examination of potentially confidential information by temporarily exempting the information from the disclosure provision of Florida's Public Records Act, Section 119.07(1), Florida Statutes. Under the rule, if information subject to an interim protective order is to be used in a proceeding, then the utility must file a specific request for confidential treatment. Alternatively, if the material is not to be used in a proceeding, then the material shall be returned to the utility.

In view of the purpose of Rule 25-22.006(5)(c), it is appropriate to provide the relief requested. It is important to specify, however, that we are hereby granting temporary protective status only for materials and documents produced by United in response to Public Counsel's First Request for Production and not for future submissions by United in response to interrogatories or production of documents requests.

During the time this Order is in effect, the documents and information referenced herein shall be kept confidential and shall be exempt from disclosure under Section 119.07(1), Florida Statutes. Upon completion of its review of the documents, Public Counsel shall notify the Company of the specific documents it intends to use in this proceeding. The remaining documents shall be returned to United. It shall then be United's responsibility to request confidential treatment of those portions of the documents that it seeks to protect from disclosure.

Based on the foregoing, it is

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ORDERED by Commissioner Diane K. Kiesling that United Telephone Company of Florida's Motion for an Interim Protective Order is granted for materials and documents produced in response to the Office of Public Counsel's First Request for Production. It is further

ORDERED that this Order does not grant interim protective status for future submissions by United in response to interrogatories or production of documents requests. It is further

ORDERED that this Interim Protective Order shall expire upon a final determination of the confidential classification of the subject materials and information or upon the office of Public Counsel's return of the subject materials and information to United Telephone Company of Florida. It is further

ORDERED that this Order shall have no effect on the subsequent determination of any request for specified confidential classification of any of the subject materials and information.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 7th day of September, 1994.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

SHS

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

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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.