

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into United) DOCKET NO. 891239-TL
Telephone Company of Florida's) ORDER NO. 23267
authorized return on equity and) ISSUED: 7-30-90
earnings.)
_____)

SECOND INTERIM PROTECTIVE ORDER
AND MODIFICATION OF ORDER NO. 22963
PURSUANT TO REQUEST FOR PARTIAL RECONSIDERATION

By Motion for Second Interim Protective Order, filed July 19, 1990, United Telephone Company of Florida (United), with the concurrence of the Office of Public Counsel (Public Counsel), has requested, pursuant to Rule 25-22.006, Florida Administrative Code, that this Commission issue a second interim protective order for materials and information requested by Public Counsel. United intends to deliver into Public Counsel's possession materials and information in response to Public Counsel's Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Sets of Interrogatories, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Requests for Production, Second Request for Production in Docket No. 890486-TL, Late Filed Deposition Exhibit requests, and informal requests. Specifically, United's request is for interim confidential treatment for documents produced in response to:

1. Public Counsel's Fifth Set of Interrogatories Nos. 1B, 9, and 10;
2. Public Counsel's Eighth Set of Interrogatories Nos. 13, 14, 16, 17, 18, 19, 21, 25, 27, 28, and 29;
3. Public Counsel's Ninth Request for Production, Requests Nos. 1, 3, 4, 5, 6, 7, 9, 10, 15, 19, and 21;
4. Public Counsel's Eleventh Request for Production, Requests Nos. 15, 16, 17 and 23;
5. Public Counsel's Twelfth Request for Production, Requests Nos. 3, 11, 12, 13, 14, 16, 17, 18, 20, 21, 23, 24, 25 and 30;

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6. Public Counsel's Thirteenth Request for Production, Requests Nos. 10 and 15;

7. Public Counsel's Fourteenth Request for Production, Requests Nos. 1, 2, 3, and 4;

8. Public Counsel's Fifteenth Request for Production, Requests Nos. 1B, 1C, and 3;

9. Public Counsel's Second Request for Production in Docket No. 890486-TL, Requests Nos. 4 and 5;

10. June 13, 1990, Deposition Late Filed Exhibits Nos. 1 and 5;

11. June 14, 1990, Deposition Late Filed Exhibits Nos. 4, 11 and 14;

12. June 15, 1990, Deposition Late Filed Exhibits Nos. 5, 6, 9, 10, 11, 14, 16 and 18;

13. June 27, 1990, Deposition Late Filed Exhibits Nos. 1, 2, 5, 8, 10 and 12;

14. Informal Requests of Public Counsel's Consultant, Michael Brosch, dated June 26, 1990, and June 28, 1990, June 26 Requests Nos. 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14, and June 28 Requests Nos. 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, and 14.

United asserts that throughout the documents contained in its responses to the above-noted interrogatories, requests for production, late filed deposition exhibits and informal requests of Public Counsel is material that falls within the statutory criteria for confidential treatment. United requests that the Commission provide such materials and information protection from disclosure until the Public Counsel is able to complete its review. At the completion of its review, the Public Counsel will notify United of the specific materials and information it intends to use in this proceeding. At that point, United will request specified confidential classification of those specific materials and information for which it is necessary. By this method, United asserts that the discovery process will be made much more efficient and less time consuming which will benefit all parties.

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This request is identical in nature to that which we granted by issuing the first Interim Protective Order on May 21, 1990, by Order No. 22963. Based on the foregoing, we find it appropriate, pursuant to our authority in Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, to grant United's request for a Second Interim Protective Order. Accordingly, the documents received by Public Counsel from United identified herein shall be kept confidential and be exempt from public disclosure under 119.07(1), Florida Statutes, for the duration of this Second Interim Protective Order. By August 20, 1990, Public Counsel shall identify from the documents identified in and protected by this Second Interim Protective Order those that it intends to utilize in this hearing. United shall file any request for specified confidential classification that it intends to file for such documents no later than August 30, 1990. This interim protective order shall expire on September 15, 1990. This Order shall have no effect on the subsequent determination of any request for specified confidential classification of any of these materials and information.

Pursuant to Public Counsel's Motion for Partial Reconsideration by Prehearing Officer of Order No. 22963, filed May 31, 1990, we hereby modify the dates applicable to the First Interim Protective Order to those set out in this Second Interim Protective Order. Therefore, Public Counsel shall identify the documents it intends to utilize by August 15, 1990.

The Company shall file any request for confidentiality for the documents by August 30, 1990. Both Interim Protective Orders shall expire on September 15, 1990.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Betty Easely, as Prehearing Officer, that United Telephone Company of Florida's Motion for a Second Interim Protective Order is hereby granted as set forth in the body of this Order. It is further

ORDERED that Public Counsel's Motion for Partial Reconsideration of Order No. 22963 is granted to the extent set forth in the body of this Order.

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By ORDER of BETTY EASLEY, Prehearing Officer,
this 30th day of JULY, 1990.



BETTY EASLEY, Commissioner and
Prehearing Officer

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