

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
Houston Division

HOUSTON INDUSTRIES INCORPORATED,

Plaintiff—Cross—Respondent,

vs.

DANIEL C. KAUFMAN, *et al.*,

Defendants—Cross—Petitioner.

Civil Action No. H-95-5237

ORDER

The United States of America has moved the Court for reconsideration of Magistrate Judge Crone's April 25, 1996, Protective Order. Having considered the memoranda filed by the parties,

It is HEREBY ORDERED that:

The Government's Motion for Reconsideration is GRANTED.

The first sentence of Paragraph 4(a) of the April 25, 1996, Protective Order is MODIFIED by striking the words "with specificity" after "identify" and adding the words "the classification of" after (ii) and shall now state:

If DOJ determines that disclosure of Protected Material including any written testimony, exhibit, brief or other submission that quotes from Protected Materials or discloses the confidential content of Protected Materials, is necessary for use in any CID deposition as provided in 15 U.S.C. § 1313(c)(2) or for presentation to either body of Congress or to any authorized committee or subcommittee thereof or in any case or proceeding before any court, grand jury, or Federal administrative or regulatory agency as provided in 15 U.S.C. § 1313(c)(3), or any individual other than a DOJ representative under any other basis, the DOJ must first notify HII in writing of this intention 10 days before the intended disclosure and identify (i) the Protected Material it intends to disclose, (ii) the classification (*e.g.* competitor or customer) of the third party

to whom it intends to disclose the Protected Material and (iii) the manner of the intended disclosure.

The second sentence of Paragraph 1(a) is MODIFIED by striking the words "but not be limited to" after "include" and shall now state:

Protected Materials shall include (a) documents or data which HII determines in good faith to be sensitive, commercial, and proprietary or (b) the specific load and energy data of HL&P's customers; information concerning the prices, economics, terms or conditions of capacity, energy and/or steam sale contracts available to HL&P's customers; analyses, proposals or communications regarding opportunities for alternative electric generation resources available to HL&P's customers.

SIGNED at Houston, Texas, on this the ____ day of _____, 199__.

DAVID HITTNER
UNITED STATES DISTRICT JUDGE