

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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|---|---|-------------------------|
| In re: Petition of Florida Public Utilities |) | |
| Company for an increase in its rates |) | Docket No. 030438-EI |
| and charges in their Consolidated Electric |) | Filed: December 2, 2003 |
| Division. |) | |
| _____ |) | |

**REQUEST FOR PROTECTIVE ORDER AND
TEMPORARY PROTECTIVE ORDER**

COMES NOW Florida Public Utilities Company ("FPUC"), pursuant to section 366.093, Florida Statutes, and Rule 25-22.006(6) and requests a protective order and a temporary protective order as to items requested by the Office of Public Counsel and as grounds states:

1. On October 28, 2003, the Citizens served their Third Request for Production of Documents on FPUC wherein the Company was requested to produce a number of documents. Several of the requested documents contain information about employees which is unrelated to their compensation, duties, qualifications or responsibilities and FPUC considers and treats this information as proprietary and confidential. FPUC has entered its objection to producing this material in its responses to the discovery.

2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, establish procedures for the issuance of a protective order in discovery in cases before the Commission. Rule 25-22.006(6)(c), permits a utility or other person to allow the Office of Public Counsel ("OPC") to take possession of information for the purpose of determining whether that information will be used in a proceeding subject to a temporary protective order. Since this request

is from the OPC such procedure should suffice, however, inasmuch as the Commission Staff will

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CAF _____
CMP _____
COM _____
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ECR 1 _____
GCL 1 _____
OPC _____
MMS _____
SEC 1 _____
OTH _____

cc: conf records

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

also have access to the responses, FPUC would request that the Commission enter a Protective Order and/or a Temporary Protective Order exempting the identified information from public disclosure.

3. The specific documents at issue are identified on Attachment A hereto. Each page identified in the attachment contains either the social security account number of an individual, a home address and telephone number or identifies employees who were seen by a physician. None of the information relates to compensation, duties, qualifications or responsibilities of the employees and thus is exempt from section 119.07(1) pursuant to section 366.093(3)(f).

4. Pursuant to Rule 25-22.006(6)(c), the Company is providing the requested documents to the OPC subject to nondisclosure as described in that section. The company is also providing a redacted version to Staff and the confidential portions with the Commission Clerk.

For the reasons given, FPUC requests the Commission to determine the identified information to be confidential information, exempt from section 119.07(1), Florida Statutes, and to issue the appropriate order(s) protecting such information.

Respectfully submitted,

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NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

ATTACHMENT "A"

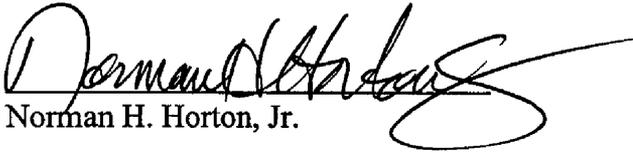
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|-----------------|-----------------------------------|--|
| 17.2 | 2 | SSAN |
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| 17.36 | 3 | SSAN |
| 17.37 | 7 | SSAN |
| 17.38 | 3, 4, 7, 8, 11, 12, 13, 16, 17 | SSAN |
| 17.39 | 4, 9 | SSAN |
| 17.40 | 12 | Home address and phone number |
| 17.81 | 2 | SSAN |
| 17.82 | 2 | SSAN |
| 17.83 | 4, 6 | SSAN |
| 17.96 | 8 | SSAN |
| 17.97 | 3, 4, 5 | SSAN |
| 17.101 | 3, 3.1 | SSAN |
| 17.106 | 3 | SSAN |
| 17.107 | 3, 5 | SSAN |
| 17.108 | 3, 4 | SSAN |
| 17.110 | 4 | SSAN |
| 17.112 | 2 | SSAN |
| 17.113 | 4 | SSAN |
| 17.115 | 5 | SSAN |
| 25.3 | 1 - 8 and 1 -11 | SSAN |
| 25.4 | 1 - 10 | SSAN |
| 25.5 | 1 - 8 | SSAN |
| 25.6 | 1 - 7 | SSAN |
| 17.73 | 2 | Names for medical procedure |
| 17.100 | 2 | Names for medical procedure |
| 17.103 | 2 | Names for employees with personnel tests |

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the Petition have been served upon the following parties by Hand Delivery (*) this 2nd day of December, 2003.

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