

State of Florida



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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: February 1, 2008

TO: Martha Brown, Office of the General Counsel

FROM: John Slemkewicz, Division of Economic Regulation JS

RE: Docket No. 070304-EI, Confidentiality Request for Document No. 10329-07 by Florida Public Utilities Company (FPUC)

On November 16, 2007, FPUC filed a Revised Request for Protective Order and Temporary Protective Order for its response to Public Counsel's Request for Production of Documents No. 28. The document is a survey and analysis of the salary levels at various regulated and non-regulated companies. FPUC asserts that the data is proprietary and confidential because it includes non-electric and non-company employees.

Staff has reviewed the document and agrees with FPUC that the information is proprietary and confidential and not subject to disclosure under Section 366.093(3)(f).

- CMP _____
- COM _____
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- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
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- OTH M.L

cc: Cheryl Bulecza-Banks
Shari Cornelius
Office Of Commission Clerk

DOCUMENT NUMBER-DATE

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Public Service Commission

M-E-M-O-R-A-N-D-U-M

DATE: November 16, 2007

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE AND
CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 10329-07

DESCRIPTION: FPUC (Horton) - (CONFIDENTIAL) Responses to OPC's 2nd request for PODs (No. 28).

SOURCE: Florida Public Utilities Company

DOCKET NO(S): 070304-EI

The above material was received with a revised request for protective order and temporary protective order. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: JOHN SLEMKEWICZ

Date: 2-1-08

cc: GCL FLL
 CMP CLK
 ECR RCA