

10/30/95



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400
904-488-9330

November 27, 1995

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Opposition to SSU's First Request for Confidential Classification and Citizens' Response and Opposition to SSU's Motion to Strike.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Deputy Public Counsel

CA 3
PJ
RW
TH

CJB:bsr

Enclosures

RECEIVED & FILED
EPSC-BUREAU OF RECORDS

Opposition Request
DOCUMENT NUMBER-DATE DOCUMENT NUMBER-DATE
11831 NOV 27 1995 11832 NOV 27 1995
EPSC-RECORDS/REPORTING EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Application for a rate)
increase for Orange-Osceola)
Utilities, Inc. in Osceola County,)
and in Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, St. Johns,)
St. Lucie, Volusia, and Washington)
Counties by Southern States)
Utilities, Inc.)
_____)

Docket No. 950495-WS

Filed: November 27, 1995

CITIZENS' OPPOSITION TO SSU'S
FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this opposition to SSU's first request for confidential classification filed on November 21, 1995.

1. SSU requests the Commission to issue an exemption from the Public Records Act for information regarding SSU's executive division salaries and wages. In making this request, SSU recognizes that its request conflicts with a ruling in SSU's last rate case and conflicts with the provision of section 367.156(3)(f), Florida Statutes, exempting from public disclosure employee personnel information unrelated to compensation and other enumerated items.¹

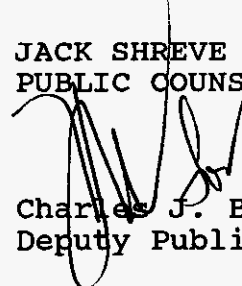
¹ Since the statute exempts employee personnel information unrelated to compensation, it implies that employee personnel information related to compensation should not be exempt from the Public Records Act.

2. The Commission narrowly construes exceptions to the Public Records Act. See Southern Bell Telephone and Telegraph Company v. Beard, 597 So.2d 873 (Fla. 1st D.C.A. 1992). The Act reflects the Legislature's determination that all state, county and municipal records - except those that are narrowly excepted from disclosure -shall at all times be open for personal inspection by the public. Id.

3. Potential embarrassment to a company's managers does not warrant an exception to the Public Records Act. Id. Southern States' request shows no more than potential embarrassment, if even that. Its request should be denied.

Respectfully submitted,

JACK SHREVE
PUBLIC COUNSEL



Charles J. Beck
Deputy Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorneys for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 950495-WS

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery* to the following parties on this 27th day of November, 1995.

*Ken Hoffman, Esq.
William B. Willingham, Esq.
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
P.O. Box 551
Tallahassee, FL 32302-0551


Brian Armstrong, Esq.
Matthew Feil, Esq.
Southern States Utilities
General Offices
1000 Color Place
Apopka, FL 32703

Kjell W. Petersen
Director
Marco Island Civic Association
P.O. Box 712
Marco Island, FL 33969

*Lila Jaber, Esq.
Division of Legal Services
Fla. Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Michael B. Twomey, Esq.
P. O. Box 5256
Tallahassee, Florida
32314-5256

Arthur Jacobs, Esq.
Jacobs & Peters, P.A.
Post Office Box 1110
Fernandina Beach, FL
32035-1110



Charles J. Beck
Deputy Public Counsel