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ORIGINAL
FILE COPY

December 4, 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 Second Request for Confidential Classification.

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
Charles J. Beck
Deputy Public Counsel

- ACK
- AFA 3 CJB:bsr
- APP Enclosures
- CAF
- CMU
- CTR
- EAG
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FPSC-RECORDS/REPORTING

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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: December 4, 1995

**CITIZENS' OPPOSITION TO SSU'S
SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this opposition to SSU's second request for confidential classification filed on November 29, 1995.

1. SSU requests the Commission to issue an exemption from the Public Records Act for information regarding SSU's salaries and pay increases. 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

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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 4th day of December, 1995.

*Ken Hoffman, Esq.
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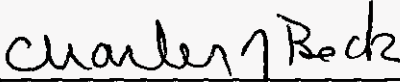
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Kjell W. Petersen
Director
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Marco Island, FL 33969

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