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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

ORIGINAL  
FILE COPY

December 18, 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 Fifth 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	<u>          </u>
AFA	<u>3</u>
APP	<u>          </u>
CAF	<u>          </u>
CMU	<u>          </u>
CTR	<u>          </u>
EAG	<u>          </u>
LEG	<u>1</u>
LIN	<u>5</u>
OPC	<u>          </u>
RCH	<u>          </u>
SEC	<u>1</u>
WAS	<u>Walters</u>

CJB:bsr

Enclosures

RECEIVED & FILED  
*mas*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
00186 JAN-5 96  
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: January 5, 1996

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

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this opposition to SSU's fifth request for confidential classification filed on January 2, 1996.

1. SSU requests the Commission to issue an exemption from the Public Records Act for information regarding SSU's incentive compensation plans and salary information related to employees of the Topeka Group, Inc. 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.<sup>1</sup>


<sup>1</sup> 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 5th day of January, 1996.

\*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

  
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Charles J. Beck  
Deputy Public Counsel