

LAW OFFICES  
**McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, RIEF & BAKAS, P.A.**

LYNWOOD F. ARNOLD, JR.  
JOHN W. BAKAS, JR.  
HARRY LEE COE, IV  
LINDA DARNEY HARTLEY  
C. THOMAS DAVIDSON  
STEPHEN O. DECKER  
LINDA E. JORGE  
VICKI GORDON KAUFMAN  
JOSEPH A. MCGLOTHLIN  
JOHN W. McWHIRTER, JR.  
RICHARD W. REEVES  
FRANK J. RIEF, III  
DAVID W. STEEN  
PAUL A. STRANKE

100 NORTH TAMPA STREET, SUITE 2800  
TAMPA, FLORIDA 33602-5126

MAILING ADDRESS: TAMPA  
P.O. BOX 3350, TAMPA, FLORIDA 33601-3350

TELEPHONE (813) 224-0866

FAX (813) 221-1854

CABLE GRANDLAW

PLEASE REPLY TO:  
TALLAHASSEE

TALLAHASSEE OFFICE  
117 N. GARDEN  
TALLAHASSEE, FLORIDA 32301  
TELEPHONE (904) 222-2525  
FAX (904) 222-5006

October 31, 1996

**VIA HAND DELIVERY**

Ms. Blanca Bayo  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Request for Confidential Classification, Docket No. 960502-GU

Dear Ms. Bayo:

Enclosed are the original and 15 copies of City Gas Company of Florida's Request for Confidential Classification regarding certain Staff notes in the above docket. I have also enclosed one set of the confidential documents in a separate envelope. We ask that the Clerk's office maintain the confidential status of these documents.

I have enclosed an extra copy of the Request for Confidential Classification for you to stamp and return to me. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*  
Vicki Gordon Kaufman

VGK/pw  
Encls.

cc: Vicki Johnson (w/encls.)  
Mike Palecki (w/encls.)

RECEIVED & FILED

*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11686 OCT 31 96

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of City Gas Company )  
of Florida for an Increase in its )  
Rates and Charges. )  
\_\_\_\_\_ )

Docket No. 960502-GU

Filed: October 31, 1996

**CITY GAS COMPANY OF FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

City Gas Company of Florida (City Gas or the Company), pursuant to section 366.093, Florida Statutes, and rule 25-22.006(4), Florida Administrative Code, files this request for confidential classification of certain notes taken by Staff. In support thereof, City Gas states:

**Introduction**

1. Staff members have conducted an investigation regarding City Gas' valve maintenance, leak surveys and falsification of Company records by certain discharged employees. During the course of the investigation, Staff interviewed numerous City Gas employees as well as discharged employees and took notes of the interviews. It is for a portion of these notes that City Gas seeks confidential classification.
2. On October 8, 1996, Robert M. Brochin notified Staff via letter that City Gas considered the information contained in Staff's notes to be confidential.<sup>1</sup>
3. Pursuant to rule 25-22.06(3)(a)2, Florida Administrative Code, City Gas files its Request for Confidential Classification of the Staff notes discussed below. In addition, attached hereto as Exhibit A is a justification for the requested confidential treatment of the notes in accordance with rule 25-22.006(4)(c).

<sup>1</sup> City Gas believes that this letter functioned as the Notice of Intent to Request Confidential Classification. Rule 25-22.006(3)(a), Florida Administrative Code.

DOCUMENT NUMBER-DATE

11686 OCT 31 96

FPSC-RECORDS/REPORTING

4. The substance of the material for which confidential classification is sought is intended to be and is treated by City Gas as private and has not been publicly disclosed.

5. City Gas requests that the information for which it seeks confidential classification not be declassified and that it be returned to City Gas at the conclusion of the rate case.

**Documents for Which Confidential Classification is Sought**

6. City Gas seeks confidential classification for the Staff notes of interviews with current City Gas employees as well as discharged employees. Such notes are confidential because they reveal the name and identity of the employees who reported the record falsification (the "whistleblowers"). Additionally, the notes reveal confidential information surrounding the falsification because they contain notes of discussions with the discharged employees who were responsible for the record falsification. Further, the interview of Ms. Keefe, NUI Assistant General Counsel, discusses her internal audit of the situation, which must be kept confidential.

**Identity of and Information Obtained from Whistleblowers**

7. At several points in the interview notes, Staff discloses the names of the City Gas employees who first came forward to reveal the falsification of records. These employees are to be commended for coming forward and advising supervisors about the situation. The Company and the Commission want to encourage this type of action.

8. To reveal the name of the employees would have a chilling effect on

others coming forward to report problems that might arise. Therefore, the identity of these employees should be protected to encourage employees to report inappropriate behavior to management. The information that the whistleblowers shared with Commission Staff during the interviews should also be protected so that employees are encouraged to come forward and fully report violations to management.

9. Additionally, some of the information in the interviews relates to the activities of employees who were discharged. Such information must be protected for the same reasons as the identity and comments of the whistleblowers discussed above. In addition, this must be protected so that it is not available to these employees in the event of any litigation over their discharge.

#### Internal Investigation

10. Many of the notes for which City Gas seeks confidential classification are notes from an interview with Pat Keefe, Senior Vice President and Assistant General Counsel for NUI. Ms. Keefe was involved in performing an internal investigation of the record falsification situation and Staff included information about this investigation in its notes. Information from internal company investigations must be protected from public disclosure for several reasons.

11. First, section 366.093(3), Florida Statutes, defines "proprietary confidential business information" as information:

which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations and has not been disclosed . . .



An internal investigation clearly falls into this category.

12. Second, section 366.093(3) provides illustrative examples of proprietary confidential information. It states:

Proprietary confidential business information includes, but is not limited to:

...

(b) Internal auditing controls and reports of internal auditors.

(Emphasis supplied). Thus, the statute specifically includes the reports of internal investigations in the classification of proprietary confidential information. The information in question here is information which was taken from such a report and should likewise be afforded confidentiality.

13. Third, internal investigations are reviews which the Company voluntarily undertakes to monitor and improve its performance in various areas. Internal investigative documents reveal the detailed inner workings of the Company. If information from such reports is not kept confidential, it may have a chilling effect on utilities' willingness to perform such investigations and/or to share the results with Staff.

14. The Commission recently granted confidential classification of similar materials for Florida Power and Light Company (FPL). In Docket No. 960001-EI, FPL requested confidential classification for certain portions of Staff's fuel audit. Staff summarized FPL's request as follows:

FPL has requested confidential treatment of the list of internal audits and notes taken from internal audits. FPL argues that this information has not been publicly disclosed, and only a select few FPL employees have seen these documents. FPL asserts that all of the material and the corresponding workpapers were extracted from an internal audit.

Order No. PSC-96-0198-CFO-EI. FPL's request was granted in its entirety. In the specific listing of documents, confidentiality was granted on the basis that the document "contains information taken directly from internal audits." Notes taken from City Gas' internal investigation is entitled to the same protection.

15. In addition, some of the information obtained from Ms. Keefe was secured via her interviews with employees. These interviews are protected by the attorney/client privilege, Upjohn Co. v. United States, 449 U.S. 383 (1980). They are also protected by the work product doctrine because her report was done in anticipation of litigation by the discharged employees. Surf Drugs, Inc. v. Vermette, 236 So.2d 108 (Fla. 1970)

16. City Gas considers the information in Staff's notes to be confidential proprietary business information within the meaning of section 366.093(3) because it is held strictly confidential within the Company and because its disclosure could cause harm to the ratepayers and the Company if the information becomes available to others who are considering litigation and/or if internal Company investigations become matters of public record.

WHEREFORE, City Gas requests that the Commission enter an order classifying the Staff notes described in the body of this motion as confidential.

*Vicki Gordon Kaufman*

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(904) 222-2525

Attorneys for City Gas Company  
of Florida

**EXHIBIT "A"**  
**CITY GAS COMPANY OF FLORIDA**  
**List of Staff Notes for Which**  
**Confidential Treatment is Requested,**  
**Together with Justification**

Page	Lines	Justification (See "Notes" Below)
1	15-21, 24-28	(4)
2	4, 11-13, 15-23	(4)
3	2-5	(4)
4	12	(4)
6	1, 7, 8, 13-24, 26-29	(4)
7	2, 4, 7-15, 29	(4)
8	All	(4)
9	1, 3-16, 19, 20, 22-24, 28	(4)
10	All	(4)
11	7	(4)
12	All	(4)
13	All	(4)
14	All	(4)
15	All	(4)
16	All	(1), (2), (3)
17	All	(1), (2), (3)
18	All	(1), (2), (3)
19	All	(1), (2), (3)
20	All	(1), (2), (3)



**EXHIBIT "A"**  
**CITY GAS COMPANY OF FLORIDA**  
**List of Staff Notes for Which**  
**Confidential Treatment is Requested,**  
**Together with Justification**  
**Continued**

Page	Lines	Justification (See "Notes" Below)
21	18-21, 25-30	(4)
22	1-5, 9-16 20, 24-26	(4)
23	1-3, 9, 10 12, 28-30	(4)
24	7-13, 16, 22-24	(4)
25	1-11, 15-23	(4)
26	1-8	(4)
27	1, 4-6, 9-24	(4)
28	All	(4)
29	All	(4)
30	All	(4)
31	All	(4)
32-36	All	(1), (2), (3)
37	All	(4)
38-40	All	(4)
41	All	(1), (2), (3)

**Notes to Exhibit "A" Regarding Justification<sup>2</sup>**

---

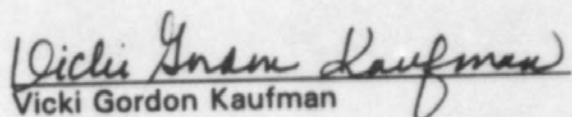
<sup>2</sup> This chart is a summary of City Gas' justification of its request. See body of motion for detailed explanation.

- (1) This information was obtained from a Company Internal Investigation. As such it is protected by §366.093(3). Release of this information would have a harmful effect and discourage the Company from performing such investigations and/or revealing such investigations to Staff.
- (2) This information involves confidential attorney/client communications and is protected by the attorney/client privilege.
- (3) This information was prepared in anticipation of litigation and is protected by the attorney work product privilege.
- (4) This information reveals the identity of Company "whistle blowers" as well as the contents of the information they possess about discharged employees. It also contains confidential information about the discharged employees. It must be protected to encourage other employees in similar situations to come forward to management.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of City Gas Company of Florida's Request for Confidential Classification has been furnished by hand delivery (\*) or U. S. Mail to the following parties of record this 31st day of October 1996:

\* Vicki Johnson  
Staff Attorney  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

  
Vicki Gordon Kaufman

9/26/96  
phone call

call to [unclear]

Donna Servino (305) 691-8710  
ext 218

2 T-Stat - Pat Keith NUL 1st gen council 10am till [unclear]

3  
4

5 Donna Servino's investigation initially knew it serious  
6 she spread workpapers and <sup>read</sup> talked from it

7  
8 list of questions for Pat Keith like checklist

9  
10 situation with [unclear] information

11 City 5<sup>th</sup> secured local attorney Bobby Broachin (2)

12 wants them to ask for specifics

13 not home live - still battle ground

14  
15  
16  
17  
18  
19  
20  
21

22 "Code of Ethics"  
23 "We will keep it confidential"

24  
25  
26  
27  
28  
29



1 ask specific question about if falsifications  
2 are on Ethics forms - make company certify  
3 response "swearing"

4 [REDACTED]

5 [REDACTED] + Police notes

6

7 would guess [REDACTED] quarter-backed

8

9 [REDACTED] seem very open & honest

10

11 [REDACTED]

12

13 [REDACTED]

14

15 [REDACTED]

16

17 [REDACTED]

18

19 [REDACTED]

20

21 [REDACTED]

22

23 [REDACTED]

24

25 [REDACTED]

26

27 HR person told arch she was referring matter to NJ

28

29 asked what disclosure contained - attorney would not allow comment

~~CONFIDENTIAL~~

- 1
- 2
- 3
- 4
- 5
- 6

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 7 give in on issue of ethics form
- 8 do not give in on investigation
- 9 3 inch notebook - that appears to be full
- 10 transcribed notes
- 11 may include attorney product
- 12
- 13 do not want us to look at personal files
- 14 extraneous
- 15 what we want to see performance evaluations
- 16 competent
- 17 a problem or credible
- 18 disciplinary problems
- 19 filed grievances

20 we saw at SBT

21 they gave up readily

22

23 we believe training is not a big issue

24 Sanford School 1 week training all Gas

25 companies send their staff

26 distribution school

27 they did not want to help her - she was slow

28 compared to line locations it was a low risk job

29

etc!

①

# Carl in Miami

1  
2 make them embarrass themselves by  
3 answering in writing

4  
5 City Gas has not completed 1st or 2nd  
6 document request

7  
8 look at maps that document leak surveys

9 highlighted scribbled in corner dated unit

10 sometimes they initial

11 very informal very lack

12 [REDACTED]

13  
14 no evidence that anything was kept track of so far

15  
16 Document request today

17  
18  
19 Move to compel

20  
21 have monies subject to refund

22

23

24

25

26

27

28

29



DONNA SCRIVENS

(BOBBY BRUMAT)

✓ - ASST. V.P. OF ADMIN.

✓ 1 - HUMAN RESOURCE FUNCTION OF CITY GAS AND

2 PENN. AND SOUTHERN (OPX. DIV. IN N.C., MYNO, PENN.,

✓ 3 BASED HIRLEATH

✓ 4 - "RULE AS CODE OF ETHICS OFFICER?"

5 - CODE OF CONDUCT - CAN GO THROUGH  
HUMAN RESOURCES OFFICER

✓ 6 - PROCESS -

7 ① IF EMPLOYEE COMES FORWARD - START INVESTIGATION

8 ② DIRECTOR OF J.A. - JUST RONI BRIDGES

9 ③ GENERAL COUNSEL (JAMES BARTON, PAT REEVE)

10 ④ SP. V.P. HUMAN RESOURCES (RICHARD CHASE)

WILLIAM  
MARGRETT  
LICK ONAL  
RSD

35.5-12  
26.2513  
4.317

11 → IN THIS CASE:

12 EMPLOYEE CAME FORWARD ABOUT PERSONNEL ISSUES  
13 AT TAIL END OF CONVERSATION MENTIONED FALSIFICATION  
14 OF RECORDS

15 SITUATION NOT WITHIN OPERATIONS DEPT.

16 (I.E. SEXUAL HARASSMENT BENEFITS)

17 IF THERE WAS AN IDEA THAT AN EMPLOYEE (MUMT) WHO

18 INVOLVED WOULD NOT GO TO DEPT.

19 IN THIS CASE: - WENT TO EMPLOYER'S

20 PERSONS WRITTEN NOTES AND TRANSCRIPTS

21 INTO WRITTEN <sup>HR</sup> FORMAT

22 INTERVIEWS NOT CONDUCTED ON A ONE-ON-ONE BASIS.

23 WAS A LADY IN HUMAN RESOURCES - EILEEN ZEW

24 - ASSIST. IN HUMAN RESOURCES ROLE NO LONGER

25 EMPLOYEE RESIGNED IN JULY.



2 RICK WALL WAS THIRD PERSON INVOLVED  
3 VIOLATION CODE OF CONDUCT BRWJHT NUI INVESTIGATION  
4 INTO THIS CASE  
5 LATEST CODE OF ETHICS - (DONNA'S GROUP COLLECTS FUNDS FOR  
JUNE 1996 - LATEST TO COME OUT <sup>IN THE</sup> SERIES 7  
JAN. <sub>Written</sub>

500000  
60-  
FEMAILED  
CURFID. ME  
REVIEWERS.

6  
7  
8  
9  
10 EMPLOYEE MUST SIGN ONE - REVISED  
11 IN JUNE 1996 - EMPLOYEES MUST SIGN  
12 ~~ON~~ BASIS FOR REVISION - ~~CAN~~ MORE

13 DETAILED  
14  
15  
16  
17  
18  
19  
20  
21

22 \* DONNA'S TRANSCRIBED NOTES

23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

NOTIFIED RICK WALL on 6/20/96.

AFTERNOON 6/20<sup>th</sup>.

PROPOSAL ABOUT ACCIDENT IN TRUCK. ACCIDENT TOOK PLACE JUNE 13<sup>th</sup>.

NO INFO WENT INTO FALSIFICATION MEETING OF JUNE 21<sup>st</sup>

DON'T WANT RICK WALL TO FIND OUT WHAT WAS ON

WANT SEE [scribbles]

[scribbles]

WILLIAM MAGNUTA - DIR OF EMP. RELATIONS (NUI)  
- LEMUEL BARNHART  
- DONNA SCALON

MEETING W/ PULSE  
- TWO FINGERES  
- NAILING - GELCOX  
- 4 OK FIVE  
- [scribbles]

ISSUES: PERSONNEL / FALSIFICATION

- NADIMIEL SAID FORM WAS REPLICATED IT.

PULSE'S LEGAL REPRESENTATIVE  
AFTERNOON 6/20/96

ONCE DONE UP AND RICK WALL THAT AFTERNOON. SEPARATE MEETING.

**Staff Notes**

**Page 8**

**Confidentiality is sought for all lines**







Staff Notes

Page 10

Confidentiality is sought for all lines

MEETING TOOK PLACE AT PULSE

- 1 SEE CALL (UNEMPLOYMENT ISSUES) INCLUDED SPECIAL TO
- 2 - ESOP MONEY DUE
- 3 - WANTED TO DISCHARGE W/RICK WALL
- 4 - BETWEEN 9/3 AND 9/9 - NOT AWARE OF
- 5 COMMUNICATION W/PULSE
- 6

- 7 [REDACTED] - CAME IN TO SEE
- 8 IF RICK CAN WORK FOR SUBCONTRACTOR.
- 9 - ANSWERED BY SAYING "THERE SHOULDN'T BE
- 10 CONTINUED ASSOCIATION"

11

- 12 SANFORD SCHOOL - LOOK SAUCYING TRAINING

- 13 H.R. SETS UP SCHEDULE

14

- 15 RICK CONDUCTED MEETING W/DISTRICTS. PRIOR
- 16 TO TERMINATIONS -

17

- 18 TOLD NOT TO SAY THINGS "LIKE PERSONNEL
- 19 ISSUES" - AN UNWILLING PROJECT ISSUES -

20

- 21 (SEE P. 12)

**Staff Notes**

**Page 12**

**Confidentiality is sought for all lines**

**Staff Notes**

**Page 13**

**Confidentiality is sought for all lines**



**Staff Notes**

**Page 14**

**Confidentiality is sought for all lines**

**Staff Notes**

**Page 15**

**Confidentiality is sought for all lines**

**Staff Notes**

**Page 16**

**Confidentiality is sought for all lines**

**Staff Notes**

**Page 17**

**Confidentiality is sought for all lines**



**Staff Notes**

**Page 18**

**Confidentiality is sought for all lines**

Staff Notes

Page 19

Confidentiality is sought for all lines

**Staff Notes**

**Page 20**

**Confidentiality is sought for all lines**

RICK WALL

- 1
- 2 - There were documents in dept. which describe
- 3 progress (i.e. percentage of surveys done). See
- 4 response to 3-6.
- 5 - Would not provide Rick with an "overall" status
- 6 basis or percentage completion basis.
- 7 - Did not communicate to him that he was behind?
- 8 - Leak ~~status~~ ~~were not~~ reports were not
- 9 reported to Rick?
- 10 - No reports ~~to~~ provided to Rick as far as
- 11 # of leak reports
- 12 - City Gas company at this time did not
- 13 have a formal O: M report that tracks
- 14 expenses in this area. (new control)
- 15 - PSC Annual Review - 1995
- 16 - 1994 Inspection - Rick Doesn't think
- 17 1994 inspection was that bad.
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 - No staff
- 23 - ~~staff~~ Division Mgr - Analyzing staff position
- 24 ~~now~~ now.
- 25 [REDACTED]
- 26 [REDACTED]
- 27 [REDACTED]
- 28 [REDACTED]
- 29 [REDACTED]
- 30 [REDACTED]



1 April - [redacted]  
2 [redacted]  
3 [redacted]  
4 [redacted]  
5 [redacted]

6 - Recently designed at the end 1995 and brought  
7 it out early for April 80 Review

8 [redacted]  
9 [redacted]  
10 [redacted]  
11 [redacted]  
12 [redacted]  
13 [redacted]  
14 [redacted]  
15 [redacted]  
16 [redacted]

17 - Rick calls managers of each division  
18 and make sure records <sup>are</sup> available

19 [redacted]

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Fairly sure  
Checked

20 - Julio - working for SOUTHERN COLOSSION?

21 - Doing Records, billings, cathodic protection -

22 - nothing to do w/ City Gas Systems

23 - Rick said fine and hung-up

24 [redacted]

25 [redacted]

26 - ~~Get's John back~~

27 - Donna called back

28 - ~~talked~~ Talked to Dave and told him

29 - Since then he heard that he's wrong for

30 Muesler - he's not.

31 - Donna - has not followed up on Sutraserr.

1 2000  
2 Brecken  
3

Donna Scovens

4/1/95 - 2/1/95  
City/605 Miami



- 4 1. Formal position title, duties, responsib.
- 5 Compliance Officer / Ethics Officer? describe duties
- 6 2) Ethics training - history, process, how done in 46
- 7 why 2 meetings for employee signings?
- 8 3) Citronology of report made by Lincoln, Evelyn, Alina
- 9 1st on discrim. - other case
- 10 2nd not signed but met w/ D<sub>2</sub>
- 11 5) Procedures for handling employees grievances, providing info <sup>ST</sup> vic
- 12 ~~\_\_\_\_\_~~ Kosher updates?
- 13 6) Role in Pat Keefe investigation - attended interviews?
- 14 - provided docs.
- 15 - interviewed herself?
- 16 7) Technical training - by whom, what's req'd, etc.
- 17 9) Discussed only w/ anyone? told to say or not to say anything?
- 18 (like) what?

- 19
- 20 1) AVP Admin. - handles all HR functions for PoS <sup>oper divisions</sup>
  - NC.
  - md
  - Pa.
- 21 recruiting, employment, comp, benefits
- 22 Code of Conduct - mentions can go to HR. <sup>plus</sup> depends on report method - whistle blower
- 23 people: 1) start investigation - James Van Horn
- 24 2) get NUI G. Counsel involved < Pat Keefe
- 25 3) get local Upper mgts involved - Mosley
- 26 4) NUI Barkowski, Roni
- 27 5) Sr. VP. HR - Richard O'Neal NUI Corp.



1 Would she ever not notify opm mgt? "Yes Sex Harass. more  
2 "If allegation against mgt, what let the ~~confidential~~ know"

3 Investig activities: she went to indivs 1<sup>st</sup>  
4 Started to check records, documents:

5 Tracely records: "I do memos or notes of each conversation"  
6 keeps outline + notes + documentation

7 Interviews - H.R. mgr also included - [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 Rick Wall - sat in after back in town  
12 [REDACTED]

13 NCI involvement triggered by  
14 Code of Ethics violation, also Sex harri, discrim., etc

15 Code of Ethics 6/96 see John Kean, Jr. 6/3/96 memo  
16 [REDACTED]

17 HR Dist + Collects sent cover memo which sd please review  
18 6/3/96 memo, Code of Ethics, affirmation signing page provided?  
19 - employees oriented on hr. mgt. sign them

20 94 Orig. Code of Conduct sent out + signed Dist sure  
21 predates her - ASK DR form

22 6/20/96 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

2  
3  
4

5 When

she thinks weeks before

6  
7  
8

side  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

12 Donna  
called R. Wall 6/20/96 same day

13 Rick Wall sd will tell Motley - at same mtg.  
14 didn't call camp yet until substance determined  
15 Discussed next step -



6/21/96

had talked re. 5-6 days B



[REDACTED]

3 [REDACTED]

4 [REDACTED]

\* (Notes)

PULSE mtg

Bill Margretta - Dir. Employee Rtns NLI Represent, Dick Li  
Clarence Balknight  
Donna Scriven

Pulse: Wick & 2 Rvs | Atty also  
4 or 5 Pulse folks, Greg, Alina

get  
copy  
of  
replicated  
form  
check date

- agenda provided a copy of ethics form: 1) falsification
- Pulse had her fill it out to show 2) personnel ii.
- how she reported? she told Pulse it was the form?
- Clarence
- Compared the 2 forms

7  
8  
9  
10  
11  
12  
13  
14

2 [redacted] confirm Dennis story about asking for [redacted] setting  
3 up the 6/21/96 mtg.

4 6/21/96 mtg. - [redacted]  
5 [redacted]  
6 [redacted]

7 6/21/96 Rick Wall returned to town, she waited for Rick's  
8 partic.

9 6/21/96 [redacted]  
10 6/21/96 [redacted]  
11 [redacted]

12 [redacted]  
13 No mention of Rick's knowledge  
14 [redacted]

15 Rick asked did she tell <sup>approved</sup> other supervisors "Ans"  
16 Discussed operational details: 20 survey actually  
17 Very little of '95 + no '96 done done  
18 [redacted]

19 [redacted]  
20 [redacted]  
21 [redacted]  
22 [redacted]  
23 [redacted]  
24 [redacted]

**Staff Notes**

**Page 28**

**Confidentiality is sought for all lines**

Staff Notes

Page 29

Confidentiality is sought for all lines



Staff Notes

Page 30

Confidentiality is sought for all lines

**Staff Notes**

**Page 31**

**Confidentiality is sought for all lines**

Staff Notes

Page 32

Confidentiality is sought for all lines

Staff Notes

Page 33

Confidentiality is sought for all lines



Staff Notes

Page 34

Confidentiality is sought for all lines

Staff Notes

Page 35

Confidentiality is sought for all lines

**Staff Notes**

**Page 36**

**Confidentiality is sought for all lines**

**Staff Notes**

**Page 37**

**Confidentiality is sought for all lines**



**Staff Notes**

**Page 38**

**Confidentiality is sought for all lines**

Staff Notes

Page 39

Confidentiality is sought for all lines

Staff Notes

Page 40

Confidentiality is sought for all lines

**Staff Notes**

**Page 41**

**Confidentiality is sought for all lines**



MEMORANDUM

— October 31, 1996

TO:     \_\_\_ DIVISION OF APPEALS  
       \_\_\_ DIVISION OF AUDITING AND FINANCIAL ANALYSIS  
       \_\_\_ DIVISION OF COMMUNICATIONS  
       XX DIVISION OF ELECTRIC AND GAS  
       \_\_\_ DIVISION OF RESEARCH  
       \_\_\_ DIVISION OF WATER AND WASTEWATER  
       \_\_\_ DIVISION OF LEGAL SERVICES

FROM:   DIVISION OF RECORDS AND REPORTING (SANDERS)

RE:     CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO.: 11687-36

DESCRIPTION: Certain Staff notes

SOURCE: City Gas Company of Florida

DOCKET NO.: 95002-GU

The above material was received with a request for confidentiality (attached). 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 Records and Reporting and to the Division of Appeals.

-----  
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.