

STATE OF FLORIDA

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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

July 9, 2001

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, L.L.P.
P.O. Box 1567
Tallahassee, Florida 32302-1567

Re: Docket No. Docket No. 010887-WS - Application for approval of merger of Utilities, Inc. and Nuon Acquisition Sub, Inc., an Illinois corporation, and for determination of Commission's jurisdiction of such merger.

Dear Mr. Friedman:

This is to inform you that, pursuant to Rule 25-22.006(4)(e), Florida Administrative Code, your request for confidential classification, dated June 25, 2001 in Docket No. 010887-WS, is deficient on its face. The following deficiencies have been identified:

The request does not conform to the following requirements of Rule 25-22.006(4)(a)-(d), Florida Administrative Code:

1. One copy of the material was not submitted with the specific information asserted to be confidential highlighted.
2. Two or more edited copies, with the specific information asserted to be confidential blocked out by opaque marker or other marking device were not filed along with the above highlighted copy.
3. The page and line at which the asserted confidential material is found was not identified, and those identified pages and lines were not correlated with the specific justification proffered in support of the classification of such material as confidential.
4. There was no demonstration of how the above referenced page and line by line justification qualifies as to one of the statutory examples listed in Section 367.156(3), Florida Statutes, nor is there alternatively a statement as to how

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disclosure of said information will harm your business operations if not granted confidential status.

5. The request did not include an affirmative statement that the material for which confidential treatment is sought is intended to be and is treated as private and has not been disclosed.

If a revised filing which meets the requirements of the rule is not received by the Director of the Division of the Commission Clerk and Administrative Services within 15 days of the date of this letter, a recommendation to the Prehearing officer will be made to deny the request pursuant to Rule 25-22.006(4), Florida Administrative Code. After the time for appeal of the Prehearing Officer's order has run, the material will become public record and will be placed in the docket file. If you have any questions about this matter, please feel free to contact me at telephone (850) 413-6070.

Sincerely,



Larry D. Harris
Senior Attorney

LDH/dm

cc: Division of the Commission Clerk and Administrative Services
Division of Regulatory Oversight (Brady)
Division of Economic Regulation (Hicks)

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