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Messer, Caparello & Self
A Professional Association

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COMMISSION
CLERK

October 3, 2003

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

030965-GU

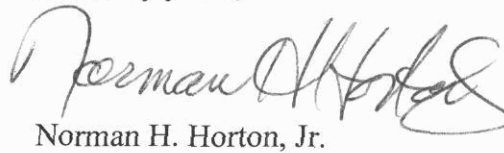
Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Public Utilities Company are an original and fifteen copies of their Request for Confidential Treatment.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,



Norman H. Horton, Jr.

RECEIVED & FILED



FPSC-BUREAU OF RECORDS

- AUS _____ NHH/amb
- CAF _____ Enclosures
- CMP _____ cc: Ms. Cheryl Martin
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

DOCUMENT NUMBER - DATE
09601 OCT-3 03
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Confidential Treatment)
of Audit Workpapers)
_____)

Docket No. 0309105-GU
Filed: October 3, 2003

REQUEST FOR CONFIDENTIAL TREATMENT

COMES NOW, Florida Public Utilities Company ("FPUC" of the "Company"), pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and requests Confidential Treatment of certain Staff workpapers. As basis, FPUC would show:

1. On September 12, 2003, the Commission Staff notified the Company that they had completed the field work associated with Audit Control No. 03-086-4-1, associated with a review of earnings for 2002. As part of the field work, staff was provided copies of documents which the Company considers to be proprietary and confidential and which had been so treated during the audit. With the completion of the field work, the Company requests that certain workpapers be treated as proprietary and confidential. Specifically the workpapers are:

- WP 9-1 consisting of 5 pages - entire document
- WP 9-3 consisting of 6 pages - entire document
- WP 43-2 consisting of 3 pages - entire document

2. WP 9-1 are notes made from the workpapers of Deloitte & Touche LLP, the outside auditors for FPUC. These workpapers are and have been treated as confidential and proprietary business information by the Company and auditors. Workpapers contain information relative to the preparation of the published audit including notes and annotations. The workpapers represent work performed by Deloitte & Touche for the Company and the review conducted by Staff includes annotations from these papers. The workpapers include information regarding transactions,

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09601 OCT-3 8
FPSC-COMMISSION CLERK

litigation, and competitive interests which, if disclosed would impair the business of the Company and provide information beneficial to contractors and vendors. The information in the workpapers is preliminary work for a final report and is not published by the Company or auditor. An affidavit from Deloitte & Touche affirming their treatment of the workpapers and a copy of a letter from the auditors requesting confidential treatment is included as WP 9-2 and incorporated herein.

3. WP 9-3 contains notes made from Board of Directors meetings. The Company considers the minutes and notes made therefrom to be proprietary, confidential business information, exempt from disclosure as a public record. The minutes memorialize discussions and decisions of the Board on a variety of matters including business plans, personnel, acquisitions, internal controls and others. Such discussions and minutes are considered and treated by the Company as proprietary and confidential and exempt from disclosure as a public records. The Company is required to maintain records pursuant to section 607.1601 and shareholders may for a "proper purpose" view the minutes but they may not distribute information or records (section 607.1602, Florida Statutes). The minutes of Board meetings containing discussions of information which if disclosed would provide information about internal controls, business plans, personnel information and contractual information to competitive interests to the detriment of the Company, its customers and investors. Such disclosure would impair the business efforts of the Company and harm the operations of the Company which would not be in the best interests of the ratepayers. The Company does not publish or release its records to the public except upon statutory requirement, and in that event there is a prohibition against further dissemination except for a "proper purpose."

4. WP 43-2 consists of notes and documents of reviews concluded as a result of the reviews of the Board minutes. In addition to the foregoing support these documents include information regarding internal accounts and controls.

5. Attached hereto is a redacted version of the identified workpapers and a complete set has been filed in an envelope with the Commission Clerk

6. Florida Public Utilities Company respectfully requests that the Commission grant the request for confidential treatment for the reasons given.

Dated this 3rd day of October, 2003.

MESSER, CAPARELLO & SELF, P.A.
215 S. Monroe Street, Suite 701
Post Office Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720



NORMAN H. HORTON, JR., ESQ.
FLOYD R. SELF, ESQ.

Attorneys for Florida Public Utilities Company

WORKPAPER 9-1 IS PROPRIETARY

WORKPAPER 9-3 IS PROPRIETARY

WORKPAPER 43-2 IS PROPRIETARY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

AFFIDAVIT OF Gail Ray

Before me, the undersigned authority personally appeared, who being first duly sworn by me testified and said:

1. My name is Gail Ray, I am currently employed by Deloitte & Touche LLP as a Director. My business address is Deloitte & Touche LLP, Suite 900, 1645 Palm Beach Lakes Blvd., West Palm Beach, Florida 33401-2221. I have personal knowledge of the matters stated in the affidavit.

2. This affidavit is in support of Florida Public Utilities' ("FPU") "Request for Confidential Classification" of certain audit workpapers in Audit Control No. 03-086-4-1, Review of 2002 earnings.

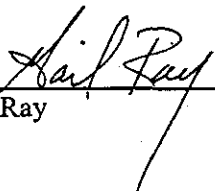
3. The information for which FPU seeks confidential treatment consists of workpapers of FPU's outside, independent auditors Deloitte & Touche. Deloitte & Touche asserts that the information consists of confidential and proprietary business information of FPU and Deloitte & Touche within the meaning of Section 366.093(3).

4. All matters identified as exempt from disclosure pursuant to 366.093(3)(e) Florida Statutes, consist of audit workpapers containing information relating to competitive interests of FPU and Deloitte & Touche, the disclosure of which would impair the competitive business of such entities.

5. The confidentiality of the information has been maintained by Deloitte & Touche.

6. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPU as soon as the information is no longer necessary for the Commission to conduct its business so that FPU can maintain the confidential nature of these documents.

AFFIANT SAYS NOTHING FURTHER.



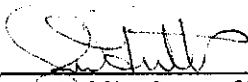
Gail Ray

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SWORN TO AND SUBSCRIBED before me this 13th day of August, 2003 by

Scott Ray, who is personally known to me or who has produced

n/a (type of identification) as identification and who did take an oath.



Notary Public, State of Florida



My Commission Expires:

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STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF AUDITING & SAFETY
DANIEL M. HOPPE, DIRECTOR
(850) 413-6480

Public Service Commission

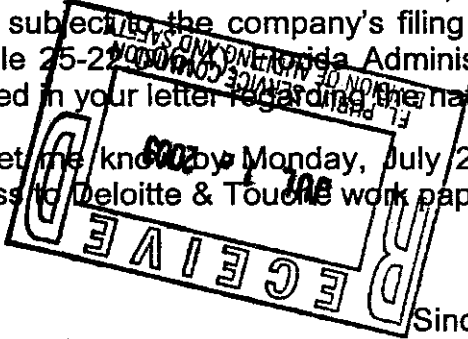
July 15, 2003

Deloitte & Touche LLP
Suite 900
1645 Palm Beach Lakes Boulevard
West Palm Beach, FL 33401-2221

Deloitte & Touche LLP:

In your letter dated July 10, 2003, you indicated Deloitte & Touche's desire to seek confidential treatment according to the Public Service Commission's (Commission) rules. According to Rule 25-22.006, Florida Administrative Code, "temporary" confidential treatment during the pendency of the Commission's audit of Florida Public Utilities Company will be granted upon request. This can be accomplished by checking the appropriate box on the Commission's Document Request form. After the Commission's audit, twenty one days from the exit conference, the classification of all Commission staff's work papers is subject to the company's filing a request for confidential classification pursuant to Rule 25-22.006, Florida Administrative Code. I also acknowledge the issues addressed in your letter regarding the nature of the Deloitte & Touche LLP audit.

Please let me know by Monday, July 21, 2003, if there will be any problems regarding access to Deloitte & Touche work papers.



Sincerely,

Daniel M. Hoppe
Director

DH:dnv

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1 p1

**Deloitte
& Touche**

July 10, 2003

Mr. Daniel M. Hoppe, Director
Florida Public Service Commission
Auditing & Financial Analysis
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0865

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JUL 14 2003

Florida Public Service Commission
Division of Auditing and Safety

Dear Mr. Hoppe:

Ruth Young has requested access to our working papers in connection with our audit of the December 31, 2002 financial statements of Florida Public Utilities Company (the "Company"). It is our understanding that the purpose of her request is to facilitate your regulatory examination. Management of the Company has authorized us to provide you access to our working papers for this purpose.

Our audit of the Company's December 31, 2002 financial statements was conducted in accordance with auditing standards generally accepted in the United States of America ("generally accepted auditing standards"), the objective of which is to form an opinion as to whether the financial statements, which are the responsibility and representations of management, present fairly, in all material respects, the financial position, results of operations and cash flows in conformity with accounting principles generally accepted in the United States of America. Under generally accepted auditing standards, we have the responsibility, within the inherent limitations of the auditing process, to design our audit to provide reasonable assurance that errors and irregularities that have a material effect on the financial statements will be detected, and to exercise due care in the conduct of our audit. The concept of *selective testing of the data being audited*, which involves judgment both as to the number of transactions to be audited and as to the areas to be tested, has been generally accepted as a valid and sufficient basis for an auditor to express an opinion on financial statements. Thus, our audit, based on the concept of selective testing, is subject to the inherent risk that material errors or irregularities, if they exist, would not be detected. In addition, an audit does not address the possibility that *material errors or irregularities* may occur in the future. Also, our use of professional judgment and the assessment of materiality for the purpose of our audit means that matters may have existed that would have been assessed differently by you.

The working papers were prepared for the purpose of providing the principal support for our report on the Company's December 31, 2002 financial statements and to aid in the conduct and supervision of our audit. The working papers document the procedures performed, the information obtained and the pertinent conclusions reached in the engagement. The audit procedures that we performed were limited to those we considered necessary under generally accepted auditing standards to enable us to formulate and express an opinion on the financial statements taken as a whole. Accordingly, we make no representation as to the sufficiency or appropriateness, for your purposes, of either the information contained in our working papers or our audit procedures. In addition, any notations, comments, and

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individual conclusions appearing on any of the working papers do not stand alone, and should not be read as an opinion on any individual amounts, accounts, balances or transactions.

Our audit of the Company's December 31, 2002 financial statements was performed for the purpose stated above and was not planned or conducted in contemplation of your regulatory examination or for the purpose of assessing the Company's compliance with laws and regulations. Therefore, items of possible interest to you may not have been specifically addressed. Accordingly, our audit and the working papers prepared in connection therewith, should not supplant other inquiries and procedures that should be undertaken by the Florida Public Service Commission for the purpose of monitoring and regulating the financial affairs of the Company. In addition, we have not audited any financial statements of the Company since December 31, 2002 nor have we performed any audit procedures since February 19, 2003, the date of our auditors' report, and significant events or circumstances may have occurred since that date.

The working papers constitute and reflect work performed or information obtained by Deloitte & Touche LLP in its capacity as independent auditor for the Company. The documents contain trade secrets and confidential commercial and financial information of our firm and of the Company that is privileged and confidential, and we expressly reserve all rights with respect to disclosures to third parties. Accordingly, we request confidential treatment under applicable laws and regulations when requests are made for the working papers or information contained therein or any documents created by the Florida Public Service Commission containing information derived therefrom. We further request that written notice be given to our firm before distribution of the information in the working papers (or photocopies thereof) to others, including other governmental agencies, except when such distribution is required by law or regulation.

Any photocopies of our working papers we agree to provide you will be identified as "Confidential Treatment Requested by Deloitte and Touche LLP."

Sincerely,

Deloitte & Touche LLP

Acknowledged and Agreed to by the Florida Public Service Commission:

By _____

Date _____

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STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 10.3.03

TO: Norman Horton
FROM: Thermy, Division of the Commission Clerk and
Administrative Services
RE: Acknowledgment of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

_____ or (if filed in an undocketed matter) concerning _____

Audit Control # 03-~~000000~~⁰⁸⁶-4-1, and

filed on behalf of Fla. Public Utilities Co/Horton. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/03)