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MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

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COMMISSION  
CLERK

December 22, 2006

**BY HAND DELIVERY**

Ms. Blanca Bayo, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Florida Public Utilities Company; Docket No. 060638-EI

Dear Ms. Bayo:

Enclosed for filing on behalf of Florida Public Utilities Company in this docket are the following documents:

1. An original and 15 copies of Florida Public Utilities Company's Request for Protective Order and Temporary Protective Order; and
2. An original and one copy of Florida Public Utilities Company's Notice of Service of Objections and Responses to Citizens' First Set of Interrogatories (Nos. 1-3) and First Request for Production of Documents (Nos. 1-7) in the above referenced docket.

CMP \_\_\_\_\_ Please acknowledge receipt of these documents by stamping the enclosed extra copy of  
COM \_\_\_\_\_ this letter.

CTR \_\_\_\_\_ Thank you for your assistance.

ECR

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OPC \_\_\_\_\_

RCA \_\_\_\_\_

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SGA \_\_\_\_\_

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FPSC-BUREAU OF RECORDS

Sincerely,

Norman H. Horton, Jr.

NHH/amb  
Enclosures  
cc: Ms. Cheryl Martin  
Parties of Record  
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*records*

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Public Utilities )  
Company for approval of an increase to )  
base rates through a limited proceeding )  
to recover costs associated with the )  
mandatory storm preparedness initiatives. )  
\_\_\_\_\_ )

Docket No. 060638-EI  
Filed: December 22, 2006

**REQUEST FOR PROTECTIVE ORDER AND  
TEMPORARY PROTECTIVE ORDER**

COMES NOW Florida Public Utilities Company ("FPUC"), pursuant to section 366.093, Florida Statutes, and Rule 25-22.006(6) and requests a protective order and a temporary protective order as to items requested by the Office of Public Counsel in their First Request for Production of Documents and as grounds states:

1. On November 17, 2006, the Citizens served their First Request for Production of Documents on FPUC. The Company was requested to produce, among other items, copies of the Company's "operations expense and capital budgets" for the years 2004-2007. Each of these budgets contains budget details for non-regulated, competitive propane operations as well as regulated electric utility operations. The Company considers information relative to its competitive operations to be proprietary and confidential and treats it as such. The Company considers not only the current budget information to be proprietary but prior years as well since marketing and business plans could be revealed by reviewing these budgets and trends.

2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, establish procedures for the issuance of a protective order in discovery in cases before the Commission. Rule 25-22.006(6)(c), permits a utility or other person to allow the Office of Public Counsel ("OPC") to take possession of information for the purpose of determining whether that

information will be used in a proceeding subject to a temporary protective order. While the request is pending, the information is treated as confidential, exempt from Section 119.07(1), Florida Statutes.

3. The specific information at issue is contained in the budgets for 2004-2007, and identified as propane operations. This information relates to competitive interests the disclosure of which would impair the competitive business of the Company and is thus exempt from disclosure pursuant to Section 366.09(3)(e), Florida Statutes.

4. Pursuant to Rule 25-22.006(6)(c), the Company is providing the requested documents to the OPC subject to nondisclosure as described in that section. The company is also providing a redacted version to Staff and the confidential portions with the Commission Clerk.

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For the reasons given, FPUC requests the Commission to determine the identified information to be confidential information, exempt from section 119.07(1), Florida Statutes, and to issue the appropriate order(s) protecting such information.

Respectfully submitted,

MESSER, CAPARELLO & SELF, P. A.  
Post Office Box 15579  
Tallahassee, FL 32317  
(850) 222-0720

  
\_\_\_\_\_  
NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Hand Delivery (\*) and/or U. S. Mail this 22<sup>nd</sup> day of October, 2006 upon the following:

Rosanne Gervasi, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd., Room 370  
Tallahassee, FL 32399-0850

Office of the Public Counsel\*  
c/o The Florida Legislature  
111 West Madison St., Rm 812  
Tallahassee, FL 32399-1400

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NORMAN H. HORTON, JR.