



MESSER CAPARELLO & SELF, P.A.

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September 24, 2007

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

Re: Docket No. 070001-EI

Dear Ms. Cole:

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

1. An original and 10 copies of Florida Public Utilities Company's Preliminary List of Issues and Positions; and
2. An original and 10 copies of Florida Public Utilities Company's Request for Confidential Treatment.

CMP _____ Thank you for your assistance in this matter.

COM _____

CTR _____

ECR _____

GCL 2 _____

OPC _____ NHH:amb

RCA _____ Enclosures

cc: Mr. Mehrdad Khojasteh

SCR _____ Parties of Record

SGA _____

SEC _____

OTH Leah
records

Sincerely,

Norman H. Horton, Jr.

DOCUMENT NUMBER - DATE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by U. S. Mail this 24th day of September, 2007 upon the following:

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NORMAN H. HORTON, JR.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost)
Recovery Clause and Generating)
Performance Incentive Factor)
_____)

Docket No. 070001-EI
Filed: September 24, 2007

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**FLORIDA PUBLIC UTILITIES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

COMES NOW, Florida Public Utilities Company ("FPUC" or "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and submits this Request for Confidential Classification of information contained in FPUC's Preliminary List of Issues and Positions filed in this docket. In support of this Request, FPUC would state:

1. On September 5, 2007, FPUC filed its testimony and exhibits in support of the purchased power cost recovery factor to be applied to customer bills in 2008. Accompanying that filing was a request for confidential treatment of portions of the schedules and testimony on the basis that the identified information consisted of contractual data and information relating to competitive interests and thus exempt from disclosure pursuant to Section 366.093(3)(d) and (e), Florida Statutes. A ruling on that request is pending.

2. The Preliminary List of Issues and Positions filed by FPUC on September 24, 2007 contains some of the numbers for which confidential treatment has been requested. Specifically, FPUC's positions for Marianna on Issues 5 and 6 contain numbers which have previously been identified as confidential and proprietary and for which a requests for confidential request is pending.

3. FPUC purchases power from Gulf Power Co. pursuant to a contract which was competitively bid. Costs to FPUC under the Agreement reflect the results of negotiations between the parties and disclosure of those as well as numbers from which those costs can be calculated would harm both companies and their customers and impair their ability to negotiate favorable terms. The numbers are considered to be and are treated as confidential proprietary business information pursuant to Section 366.093(3)(d) and (e). In addition to the foregoing FPUC would incorporate in this request the points made in the previous request filed September 5, 2007 as to these same number.

Wherefore, FPUC requests the Commission to enter its order granting confidential treatment to the specified numbers.

DATED this 24th day of September, 2007.

Respectfully submitted,
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NORMAN H. HORTON, JR., ESQ.

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STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
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CONFIDENTIAL

Public Service Commission

ACKNOWLEDGEMENT

DATE: 9/24/07

TO: N. Horton/Messer Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: **Acknowledgement of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070001-EI or, if filed in an undocketed matter, concerning information contained in FPUC's Preliminary List of Issues and Positions, and filed on behalf of FPUC. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE
08743 SEP 24 2007
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