

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Public Utilities Company

Docket No. 070300-EI

In re: Petition for rate increase by Florida Public Utilities Company

Docket No. 070304-EI Filed: January 22, 2008

FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR CONFIDENTIAL TREATMENT

COMES NOW, Florida Public Utilities Company ("FPUC" or "Company"), and pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, submits this Request for Confidential Treatment of exhibits attached to the rebuttal testimony of Cheryl Martin. As basis the Company states:

1. On January 22, 2008, FPUC filed its Rebuttal Testimony in the captioned dockets. Included was rebuttal prepared by Cheryl Martin which includes two (2) exhibits the Company considers to be and treats as confidential.

2. The specific exhibits for which confidential treatment is requested are identified as

CMP CMMR6 consisting of three (3) pages and CMMR6 consisting of four (4) pages.

COM

3. Exhibit CMMR5 is a copy of the minutes of a meeting of the compensation

CTR

ECR Committee of the Board of Directors and attachments. FPUC requests that the following portions of

GCL 1

Exhibit CMMR6 be found to be confidential:

OPC

RCA

Page 1 - all lines

SCR

Page 2 - All lines

SGA

SEC

OTH 1 copy records

Confidential DOCUMENT NUMBER-DATE

00558 JAN 22 08

FPSC-COMMISSION CLERK

Request CC DOCUMENT NUMBER-DATE

00557 JAN 22 08

FPSC-COMMISSION CLERK

Page 3 – handwritten numbered lines 1-3, columns C-G
handwritten numbered lines 4-8, columns A-C

The minutes reflect discussion of internal company operations, the disclosure of which could provide information of value to competitive interests and potential contracts. The discussion relating to potential salary adjustments and the analysis and comparison of compensation at such meetings are intended to be an open discussion within the company and not publicly released. To do so would stifle the discussions and provide other businesses with information that could be used to the harm of the Company and its customers. FPUC does not assert that the actual salaries or Board compensation would be confidential; that is reported and disclosed to the public in the annual report and other public filings. The discussions and analysis of such arrangements are proprietary and confidential however, and exempt from disclosure pursuant to Section 366.093(3), Florida Statutes.

4. The Company also requests that CMMR6 be found to be proprietary and confidential.

Specifically as to this exhibit the following are considered confidential:

Page 1 – all lines, columns A-J
Page 2 – all lines, columns A-J
Page 3 - all lines, columns A-J
Page 4 – lines 1 and 2, column A

Exhibit CMMR6 has previously been filed as Late-Filed Exhibit 14 with a claim of confidentiality. The exhibit is a survey of salaries for all positions within the Company which includes non-electric utility employees as well as electric employees. The survey reveals information relative to potential adjustments that if disclosed would be of value to competing businesses and would impair the efforts of the Company to negotiate with and maintain its workforce. FPUC does not publish such information as reflected on the survey but uses it for internal purposes. The disclosure of non-

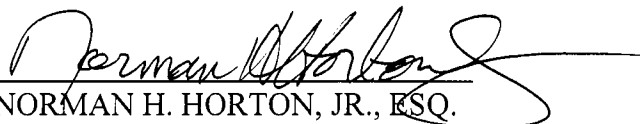
electric utility salary and salary survey information especially harms the Company in its competitive efforts and reveals information not available to other businesses that compete with the Company in the workforce. Such information as it contained in Exhibit CMMR6 is more than personnel compensation and is exempt from disclosure pursuant to Section 366.093(3)(e), Florida Statutes.

5. Redacted versions of the exhibits are attached to the testimony and an unredacted version is included as Attachment A hereto.

6. Both exhibits reveal information concerning compensation and comparisons which if publicly available would impair the ability to recruit and maintain a workforce and should be found to be proprietary and confidential and exempt from disclosure.

Dated this 22nd day of January, 2008.

MESSER, CAPARELLO & SELF, P.A.
2618 Centennial Place
Post Office Box 15579
Tallahassee, FL 32308
(850) 222-0720


NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: January 22, 2008

TO: Horton/Messer Law Firm

FROM: M. Sanders, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070304-EI/070300-EI or, if filed in an undocketed matter, concerning Cheryl Martin Exhibits CMMR5 & CMMR6, and filed on behalf of Florida Public Utilities Company. 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
00558 JAN 22 08
FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us