

State of Florida



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DATE: March 14, 2008

TO: Rosanne Gervasi, Senior Attorney, Office of the General Counsel

FROM: William F. Coston, Operations Review Specialist, Division of Competitive Markets & Enforcement *WFC*

RE: 080063-EI - Request for confidential classification of portions of *Customer Data Security of Florida's Five Investor-Owned Utilities* and certain information in staff's audit workpapers by Florida Public Utilities Company.

Attached is a December 17, 2007 request from Florida Public Utilities Company counsel, Norman H Horton, Jr., which includes the company's request for Specified Confidential Classification in regards to staff's review *Customer Data Security of Florida's Five Investor-Owned Utilities*. Florida Public Utilities Company cites §366.0963(3)(c)—which addresses confidential security concerns—as the basis for the request.

Staff has reviewed the specifics of this request and believes the information is covered by §366.0963(3)(c), F.S. Staff recommends the approval of Florida Public Utilities Company's Request for Confidential Classification.

- CMP _____
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REDACTED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Confidential Treatment)	080063-EI
of portions of the Staff Report entitled "Customer)	Undocketed
Data Security of Florida's Five Investor-Owned)	Filed: December 17, 2007
Utilities" by Florida Public Utilities Company)	
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**FLORIDA PUBLIC UTILITIES COMPANY'S
REVISED REQUEST FOR CONFIDENTIAL TREATMENT**

COMES NOW, Florida Public Utilities Company ("FPUC" or "Company"), through its undersigned and files this Revised Request for Confidential Treatment of portions of the Staff Report entitled "Customer Data Security of Florida's Five Investor-Owned Utilities." As basis, the Company states:

1. On December 11, 2007, FPUC filed a Request for Confidential Treatment of Portions of the draft report of the policies, practices and controls regarding security of sensitive customer information for each of the electric IOUs, including FPUC. Upon review of the request filed December 10, 2007, FPUC herewith submits the revised request.

2. In the Draft Report, Staff summarizes and discusses the policies and procedures of the Company based on interviews and data responses provided by the Company. The Draft Report also includes comments and conclusions of Staff regarding these measures. While such commentary may be helpful to the Commission, a public discussion and disclosure of this type of information could assist unauthorized access to sensitive information and cause harm to both the

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Company and its customers. Accordingly, FPUC is requesting confidential treatment of portions of the draft report and Staff workpapers.

3. Section 366.093, Florida Statutes, permits electric utilities to request certain records and material be kept confidential and exempt from Section 119.07(1). Among the information which is included as proprietary and confidential are security measures, systems or procedures. (Section 366.093(3)(c), Florida Statutes). The draft report contains discussions of this type of information but more importantly analysis and conclusions regarding these systems and procedures. FPUC does not publish or make public reviews and conclusions regarding the overall effectiveness or recommendations of its various policies and procedures nor does it intend to do so. Accordingly, FPUC would request that the portions of the draft report and Staff workpapers identified on Attachment "A" hereto be determined to constitute proprietary confidential business information regarding security measures, systems or procedures encompassed within Section 366.093(3)(c) and exempt from Section 119.07(1).

4. References to pages are to the document which accompanied the November 16, 2007, letter.

5. Exhibit "A" hereto in a sealed envelope is a copy of the draft report and workpapers with the information which FPUC asserts is confidential highlighted. Exhibit "B" hereto is a copy of the draft report and workpapers that have been redacted.

6. This Revised Request is intended to revise the scope of the information for which confidential treatment is being sought and requests return of the initial request.

7. The Company makes this request with reference to the material in the draft report but would include this request as to the final report as well.

Respectfully submitted,
MESSER, CAPARELLO & SELF, P. A.
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NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

ATTACHMENT "A"

<u>Identification</u>	<u>Reason</u>
Page 7, Exhibit 1, "Customer Data Security Issue Summary" all items in column headed "FPU"	366.093(3)(c)
Page 8, paragraph 1.42, handwritten numbered lines 1-6	366.093(3)(c)
Page 33, all or part of handwritten numbered lines 1-4	366.093(3)(c)
Page 34, handwritten numbered lines 1-12; all or part of 13-14	366.093(3)(c)
Page 35, all or part of handwritten numbered lines 1-3 16-32	366.093(3)(c)
Page 36, all or part of handwritten numbered lines 1-2 and 8-9	366.093(3)(c)
Pages 39, all or part of handwritten numbered lines all or part of 2-9	366.093(3)(c)
Page 40, all lines	366.093(3)(c)
Staff workpapers "Interview Summaries" tab paragraph (3) conclusions, entire section	366.093(3)(c)