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COMMISSION
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-M-E-M-O-R-A-N-D-U-M-

DATE: December 1, 2008

TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk

FROM: Ralph R. Jaeger, Senior Attorney, Office of the General Counsel

RE: DOCKET NO. 080121-WS - Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

On October 13, 2008, the Office of Public Counsel (OPC) filed the Pre-filed testimony of Kimberly Dismukes. A part of her testimony used data from OPC's Production of Document (POD) Requests Nos. 12 and 184. Because these documents were stamped confidential, OPC, in an abundance of caution, classified that testimony as confidential. The confidential portion of Ms. Dismukes testimony was assigned Document No. 09684-08, and was set out on pages 49, 50, 52, and 53 of her testimony.

By letter dated November 20, 2008 (attached), Aqua Utilities Florida, Inc., confirms that it never intended that the information contained in those POD requests, and in Ms. Dismukes testimony on those above noted pages, be classified as confidential. Therefore, Document No. 09684-08 may be declassified, and the unredacted portions of Ms. Dismukes testimony, i.e., Document No. 09684-08, may be placed in the docket file.

Attachment

cc: Division of Economic Regulation (Fletcher)
Office of Public Counsel (Beck)
Attorney General (Bradley)
Bruce May
Kimberly Joyce
Office of General Counsel (Fleming, Klancke, Sayler)

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DOCUMENT NUMBER-DATE

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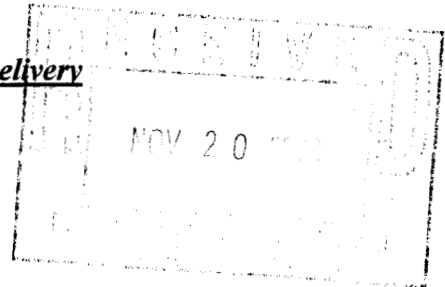
Holland & Knight LLP
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D. Bruce May, Jr
850 425 5607
bruce.may@hklaw.com

November 20, 2008

Charles Beck
Deputy Public Counsel
c/o The Florida Legislature
111 W Madison St, Room 812
Tallahassee, FL 32399-1400

Via Hand-Delivery



Re: *In Re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc., Docket No. 080121-WS*

Dear Charlie:

This is to confirm an issue relative to confidentiality of an internal audit review report of Aqua Utilities Florida, Inc. which is referenced on pages 49, 50, 52 and 53 of the prefiled direct testimony of OPC witness Kimberly Dismukes. Ms. Dismukes treats this document as confidential and states that it was provided AUF in response to POD No. 12. Our records show that this document was provided to OPC in response to AUF's response to OPC's POD Nos. 12 and 184, but no confidentiality protections were requested in AUF's responses to either of those requests. This document is not confidential and there is no need for confidential treatment during the proceeding. I am copying Ralph Jaeger on this letter to confirm that the referenced document is not treated by AUF as confidential. Please let me know if you have any questions.

Sincerely,

HOLLAND & KNIGHT LLP

D. Bruce May, Jr.

:kjpg

cc: Ralph Jaeger, Esq.
Kimberly A. Joyce, Esq.