



MESSER CAPARELLO & SELF, P.A.

Attorneys At Law
www.lawfla.com

April 8, 2009

BY HAND DELIVERY

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

RECEIVED-FPSC
09 APR - 8 PM 3:46
COMMISSION CLERK

Re: Docket No. 080366-GU - Notice of Intent to Request Confidential Classification

Dear Ms. Cole:

On March 20, 2009, Staff sent its Fourth Data Request to Florida Public Utilities in this docket (Attachment "A"). Exhibit 93.1, which is being provided in response to this request contains information which the Company considers proprietary and confidential as defined in Section 366.093, Florida Statutes, and pursuant to Rule 25-22.006(3)(a)1, Florida Administrative Code, the Company gives notice of its intent to request confidential treatment as to portions of this exhibit. Specifically, the Company does not publish employee lists and to the extent that Exhibit 93.1 identifies the names of company personnel, FPUC and its employees treat that information as proprietary and confidential.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Handwritten signature of Norman H. Horton, Jr.

Norman H. Horton, Jr.

- COM
ECR NHH/amb
GCL Enclosure
OPC cc: Ms. Cheryl Martin
RCP Ralph Jaeger, Esq.
SSC 2 Patricia Christensen, Esq.
SGA
ADM
CLK McLean

DOCUMENT NUMBER-DAT
03149 APR -8 08
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STATE OF FLORIDA



GENERAL COUNSEL  
PATRICK L. "BOOTER" IMHOF  
(850) 413-6199

# Public Service Commission

March 20, 2009

John T. English  
Florida Public Utilities Company  
P.O. Box 3395  
West Palm Beach, FL 33402-3395

## STAFF'S FOURTH DATA REQUEST

Norman H. Horton, Jr., Esquire  
Post Office Box 15579  
Tallahassee, FL 32317

**Re: Docket No. 080366-GU, Petition for rate increase by Florida Public Utilities Company**

Dear Messrs English and Horton:

By this letter, the Commission staff requests that Florida Public Utilities Company (FPUC) provide responses to the following data requests.

89. Please provide the detail support for the payroll overhead rates discussed on page 37 of Witness Mesite's direct testimony?
90. In FPUC's last rate case, Docket No. 040216-GU, the Commission reduced Plant In Service, Accumulated Depreciation Reserve, Depreciation Expense, and Land & Land Rights to reflect the retirement of the Samford office building. Please explain how the Samford office building has been treated in FPUC's revenue requirement in the current filing?
91. Please provide a list of all new positions that have an impact on FPUC's gas revenue requirement with the proposed salary that was included with the filing and the actual salary if the position has been filled.
92. Were the meters on Schedule I-3 tested by year-end 2008?
93. Referring to page 11 of Witness Martin's testimony, please provide the updated allocations for non-regulated plant due to the correction in customer counts?

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MAR 23 2009

ATTACHMENT "A"

Norman H. Horton, Jr.

DOCUMENT NUMBER - DATE

03149 APR -08

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John T. English  
March 20, 2009  
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Please file the original and five copies of the requested information by Friday, April 10, 2009, with Ms. Ann Cole, Commission Clerk, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850, and reference this docket. Please feel free to call me at (850) 413-6234 if you have any questions.

Sincerely,



Ralph R. Jaeger  
Senior Attorney

RRJ:th

cc: Office of Commission Clerk  
Office of Public Counsel  
Division of Economic Regulation (Draper, Hadder, Kummer, Piper, Prestwood, Stallcup)