

State of Florida



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09 AUG 11 PM 1:32

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Public Service Commission

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

DATE: August 11, 2009
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Lawrence D. Harris, Assistant to Commissioner Argenziano *L.D.H.*
RE: Filing for Docket Numbers 080677-EI and 090079-EI

Please place the attached email in Docket Nos. 080677-EI, the FPL rate case, and 090079-EI, the Progress Energy Florida rate case. It should be placed in the main portion of the file, and assigned a document number, not placed in the "correspondence" portion of the file.

Commissioner Argenziano does not believe the attached constitutes an *ex parte* communication under Section 350.042, Florida Statutes. In an abundance of caution, however, she directs this communication be made a part of the official record and copies distributed to all parties.

DOCUMENT NUMBER-DATE

08323 AUG 11 8

FPSC-COMMISSION CLERK

Steve Larson

From: Steve Larson
Sent: Tuesday, August 11, 2009 10:59 AM
To: 'sunshine@floridafaf.org'
Subject: RE: attn: Barbara Petersen

Got it, thanks, again.

-----Original Message-----

From: Sunshine [mailto:sunshine@floridafaf.org]
Sent: Tuesday, August 11, 2009 10:58 AM
To: Steve Larson
Subject: RE: attn: Barbara Petersen

Another two cents worth: If compensation information is disclosed w/o an employee's name tied to the compensation (as Cmsr Argenziano has suggested) then there is no privacy issue.

-----Original Message-----

From: "Steve Larson" <SLARSON@PSC.STATE.FL.US>
To: <sunshine@floridafaf.org>
Date: Mon, 10 Aug 2009 15:24:41 -0400
Subject: RE: attn: Barbara Petersen

> Got it, will do. Thanks

>

> -----Original Message-----

> From: Sunshine [mailto:sunshine@floridafaf.org]
> Sent: Monday, August 10, 2009 3:15 PM
> To: Steve Larson
> Subject: Re: attn: Barbara Petersen

>

> Thanks so much, Steve. Please share this with Commissioner Argenziano:
> Art. I, s. 23, the constitutional right to privacy is specifically
> secondary to the public's right of access to government records and
> information. Thus, there is no right to privacy in a public record.
> Such records must be released absent a specific statutory exemption
> and in this case, I firmly believe, the compensation information is
> specifically NOT exempt.

>

> -----Original Message-----

> From: "Steve Larson" <SLARSON@PSC.STATE.FL.US>
> To: <sunshine@floridafaf.org>
> Date: Mon, 10 Aug 2009 13:29:32 -0400
> Subject: attn: Barbara Petersen

>

> > Hello, Commissioner Argenziano thought Ms. Petersen may want to know
> > about this situation below...

> >

> > It appears FPL through 15 of its employees have opposed PSC's staffs
> > motion to compel disclosure of compensation schedules. Barry
> Richards

>

> > filed the motion which is located at site below.

> >

> > Link to PSC site for the motion;

> > <http://www.floridapsc.com/library/filings/09/08194-09/08194-09.pdf>

> > <<http://www.floridapsc.com/library/filings/09/08194-09/08194-09.pdf>>

> .

> >

> > 15 FPL employees, only one name I recognize from PSC proceedings.

> > The

> >

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FPSC-COMMISSION CLERK

> > motion to intervene states: "limited purpose of opposing the
> > motion
> >
> > to compel and any other effort to cause FPL to disclose to the
> >
> > Commission or other third parties the amount of movants'
> compensation
> >
> > or other personal financial information. Movants have a
> > substantial
> >
> > interest in this matter because...they are protected from
> > disclosure
> >
> > of personal financial information by a fundamental right to privacy
> >
> > guaranteed by article I, section 23 of the Florida constitution."
> >
> > In the response/brief, he states
> >
> > 1. violates Article I, section 23 of FL constitution (right to
> > privacy
> >
> > from governmental intrusion). compelling governmental interest and
> >
> > least intrusive means.
> >
> > 2. unnecessary to the performance of any authorized commission
> >
> > function and is therefore irrelevant and outside jurisdiction and
> > powers of commission.
> >
> > looks at chapter 366, thinks overall compensation ok, but specific
> >
> > identifiable beyond ratemaking responsibilities. And, Commission
> has
> >
> > already in confidential form, no reason to de-classify. No
> > legitimate
> >
> > state interest in names.
> >
> > 3. violates FPL's policies, hurts employee morale, drive up
> >
> > compensation costs, open door to competitors poaching employees.
> >
> >
>