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DATE: 09/22/2009

TO: X DIVISION OF ECONOMIC REGULATION  
\_\_\_\_ DIVISION OF REGULATORY COMPLIANCE  
\_\_\_\_ DIVISION OF SERVICE, SAFETY & CONSUMER ASSISTANCE  
\_\_\_\_ DIVISION OF STRATEGIC ANALYSIS & GOVERNMENTAL AFFAIRS  
\_\_\_\_ OFFICE OF THE GENERAL COUNSEL

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 09467-09

DESCRIPTION: FPUC (Horton) - (CONFIDENTIAL) Exhs MC-4 and MC-5 of direct testimony of Mark Cutshaw.

SOURCE: Florida Public Utilities Company

DOCKET NO(s): 090001-EI

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Office of Commission Clerk and to the Office of General Counsel.

COM \_\_\_\_\_  
APA \_\_\_\_\_  
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DOCUMENT NUMBER: 09467-09  
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FPSC-COMMIS-SHAW CUTS

**Please read each of the following and check if applicable.**

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
- (a) Trade secrets;
  - (b) Internal auditing controls and reports of internal auditors;
  - (c) Security measures, systems, or procedures;
  - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for services on favorable terms;
  - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.;
  - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Sidney W. Matlock

Date: 11-20-09

cc:  CLK       RCP  
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