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Public Service Commission

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COMMISSION
CLERK

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

DATE: March 20, 2009

TO: Office of the Commission Clerk (McLean)

FROM: Division of Regulatory Compliance (Freeman, Vandiver)

RE: Docket 060253-WS, Recommendation that Documents Numbered 06381-06 and 07990-06 be returned to the source

On July 15, 2006, at the audit exit conference, Utilities, Inc. of Florida requested that certain portions of staff's working papers prepared during the audit entitled "Utilities, Inc. Affiliate Transaction Investigation as of December 31, 2005", be held in a temporary confidential status in accordance with Rule 25-22.006(3)(a)2., Florida Administrative Code (FAC).

On July 20, 2006, staff filed those working papers with the Commission's Division of the Commission Clerk and Administrative Services (Document No. 06381-06).

On August 31, 2006, Utilities, Inc. & its Affiliates (collectively Utilities, Inc. or UI) filed its request for confidential classification for certain portions of the working papers pursuant to Section 367.156, Florida Statutes (F.S.), and Rule 25-22.006, FAC. Utilities, Inc.'s request included redacted copies of the materials for public use (Document 11262-06 filed December 8, 2006) and copies of the materials with the sensitive portions highlighted (Document 07990-06 filed August 31, 2006).

On December 15, 2006, by letter, Staff advised Valerie Lord, Counsel for Utilities, Inc. that "...the utility has not justified and demonstrated that release of all the information contained within the 14 pages of financial information described ... would cause harm as required by Rule 25-22.006(4)(c) and (e), Florida Administrative Code..." When the utility failed to reply to the letter, Commission Order No. PSC-07-0640-CFO-WS, issued on August 7, 2007. This Order responded to the utility's request as found and granted a confidential classification to specified portions of Documents Numbered 06381-06 and 07990-06 for 18 months.

The declassification date for this confidential material was set as February 7, 2009. These materials have been declassified, thus they should be returned to the source; i.e., Document No. 06381-06 should be returned to the Bureau of Audit and Document No. 07990-06 should be returned to the utility.

- COM _____
 - ECR _____
 - GCL _____
 - JPC _____
 - RCP _____
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 - SCA _____
 - ADM _____
 - CLK McLean
- CC: Office of General Counsel (Jaeger)
Bureau of Regulatory Compliance (Rohrbacher, Merritt)

DOCUMENT NUMBER-DATE

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