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080366-GU

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Sent: Friday, September 18, 2009 12:08 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 080366-GU
Attachments: 2009--9-18, 080366, FPUC's Motion for Protective Order and Temporary Protective Order.pdf

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The Docket No. is 080366-GU

Petition of Florida Public Utilities Company for an Increase in Rates Charged to Natural Gas Customers

This is being filed on behalf of Florida Public Utilities Company

Total Number of Pages is 4

Florida Public Utilities Company's Request for Protective Order and Temporary Protective Order

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Public Utilities Company's)
Gas Division)
_____)

Docket No. 080366-GU
Date Filed: September 18, 2009

**REQUEST FOR PROTECTIVE ORDER AND
TEMPORARY PROTECTIVE ORDER**

COMES NOW Florida Public Utilities Company ("FPUC"), pursuant to section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, and requests a protective order and a temporary protective order as to items requested by the Office of Public Counsel ("OPC") in their Third Set of Interrogatories and Third Request for Production of Documents and as grounds states:

1. On August 19, 2009, the OPC served their Fourth Set of Interrogatories on FPUC wherein the Company was requested to respond to a number of interrogatories. Responses to the discovery contain information which the Company and its consultants considers to be proprietary and confidential as defined in Section 366.093, Florida Statutes, and which it treats as such. FPUC has entered an objection to these requests but has offered to make the responsive documents available for review subject to confidential treatment.

2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, establish procedures for the issuance of a protective order in discovery in cases before the Commission. Rule 25-22.006(6)(c), permits a utility to allow the Office of Public Counsel ("OPC") to inspect or take possession of information for the purpose of determining whether that information will be used in a proceeding subject to a temporary protective order. Since this request is from the

OPC such procedure should suffice, however, inasmuch as the Commission Staff may also have access to the responses, FPUC would request that the Commission enter a Protective Order and/or a Temporary Protective Order exempting the identified information from public disclosure.

3. The specific documents at issue are identified on Attachment A hereto and pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, the Company is making the requested documents available to the OPC subject to nondisclosure as described in that section. The Company would also make such documents available to Staff for review upon issuance of a protective order.

For the reasons given, FPUC requests the Commission to determine the identified information to be confidential information, exempt from section 119.07(1), Florida Statutes, and to issue the appropriate order(s) protecting such information.

Respectfully submitted,

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ATTACHMENT "A"

INTERROGATORIES

104. Interrogatory 104 is a follow-up request for invoices related to rate case expense. (See Interrogatory 94). The response includes hours and rates for rate case related activities performed by outside consultants and attorneys. These services are provided in competition with other providers and the rates are treated as confidential as disclosure of their rates would impair their competitive interest and harm their business. Such information is exempt from disclosure pursuant to Section 366.093(3)(e), Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Hand Delivery this 18th day of September, 2009 upon the following:

Ralph Jaeger, Esq.
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