

## Ruth Nettles

---

**From:** Ann Bassett [abassett@lawfla.com]  
**Sent:** Tuesday, July 28, 2009 11:41 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 080366-GU  
**Attachments:** 2009-07-28, 080366, FPUC's Withdrawal of Portion of Request for Confidential Treatment.pdf

The person responsible for this electronic filing is:

Norman H. Horton, Jr.  
Messer, Caparello & Self, P.A.  
P.O. Box 15579  
Tallahassee, FL 32317  
(850) 222-0720  
[nhorton@lawfla.com](mailto:nhorton@lawfla.com)

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

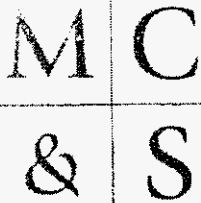
Florida Public Utilities Company's Withdrawal of Portion of Request for Confidential Treatment

Ann Bassett  
Messer, Caparello & Self, P.A.  
2618 Centennial Place (32308)  
P.O. Box 15579  
Tallahassee, FL 32317  
Direct Phone: 850-201-5225  
Fax No. 850-224-4359  
Email Address: <[abassett@lawfla.com](mailto:abassett@lawfla.com)>  
Web Address: <[www.lawfla.com](http://www.lawfla.com)>

DOCUMENT NUMBER-DATE

07701 JUL 28 8

FPSC-COMMISSION CLERK



MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

[www.lawfla.com](http://www.lawfla.com)

July 28, 2009

**VIA ELECTRONIC MAIL**

Ms. Ann Cole, Commission Clerk  
Office of Commission Clerk  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 080366-GU

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is Florida Public Utilities Company's Withdrawal of Portion of Request for Confidential Treatment in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,

A handwritten signature in black ink that reads "Norman Horton, Jr." with a stylized flourish at the end.

Norman H. Horton, Jr.

NHH/amb

Enclosures

cc: Ms. Cheryl Martin  
Parties of Record

**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: July 28, 2009

**FLORIDA PUBLIC UTILITIES COMPANY'S WITHDRAWAL  
OF PORTION OF REQUEST FOR CONFIDENTIAL TREATMENT**

COMES NOW, Florida Public Utilities Company ("FPUC") through its undersigned counsel and files this Withdrawal of Portion of Request for Confidential Treatment and states:

1. On March 25, 2009, FPUC filed a Request for Confidential Classification for certain workpapers provided to Commission Staff in conjunction with the audit conducted by Staff as a result of FPUC's request for a rate increase.

2. Among the workpapers provided to Staff were several which disclosed employee names and salaries. FPUC provided the salary information but requested confidential classification as to names, except for those officers and employees whose salaries and names were required to be published as a publicly traded company.

3. In response to the request, FPUC has been notified by Staff that names and salaries has been determined not be confidential by the Commission in prior dockets and were thus subject to disclosure.

4. FPUC does not object to disclosing positions and salaries of regulated utility employees, but does not publish names of employees and salaries unless required to do so. In the instant matter, given the position of Staff and precedents presented, FPUC would amend its request for confidential treatment by withdrawing the request as to documents identified as:

WP 59-1/1-23, 5 pages;

WP 59-1/1-23/1, 4 pages;

WP 59-1/3-1, 1 page; and


WP 59-1/3-1/1, 12 pages.

In doing so, FPUC does not abandon or waive its position that names are appropriately confidential under Section 366, Florida Statutes.

5. In closing, FPUC reiterates that it does not object to providing information as to positions and current salaries for that position, but public disclosure of the names of regulated utility employees and their salaries presents issues for the individual and the Company. FPUC respectfully submits that public disclosure of positions and salaries is sufficient for regulatory purposes. Disclosure of position and salaries without names maintains the privacy of the individual employees and does not impair the Commission of its responsibilities.

6. Having submitted the foregoing and without waiving this position, FPUC would withdraw its request for confidential treatment of the previously identified documents based on the Staff's advisory dated July 14, 2009. This withdrawal does not affect any other portions of the request submitted March 25, 2009.

Respectfully submitted this 28<sup>th</sup> day of July, 2009.

  
NORMAN H. HORTON, JR.  
MESSER, CAPARELLO & SELF, P. A.  
Post Office Box 15579  
Tallahassee, FL 32317  
(850) 222-0720

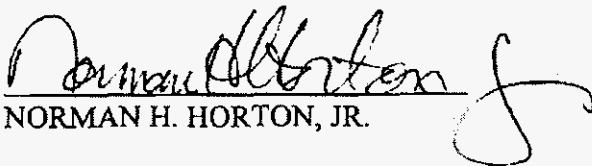
Attorneys for Florida Public Utilities Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail and/or U. S. Mail this 28<sup>th</sup> day of July, 2009 upon the following:

Ralph Jaeger, Esq.  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Patricia Christensen  
Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

  
NORMAN H. HORTON, JR.