



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: July 14, 2008

TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk

FROM: Ralph R. Jaeger, Senior Attorney, Office of the General Counsel

RE: DOCKET NO. 070293-SU - Application for wastewater increase in Monroe County by K W Resort Utilities Corp.

At the deposition of Chris Johnson held on November 28, 2007, K W Resort Utilities Corp. (utility) requested pursuant to Rule 25-22.006, Florida Administrative Code, that a portion of that deposition be held as confidential until the Office of Public Counsel (OPC) determined that any part of it would be used at the hearing in this docket. On December 17, 2007, OPC determined that a portion of the information contained in that deposition was to be used in the testimony of Ms. Kim Dismukes, and filed the portion of her testimony taken from the deposition as confidential. That portion of Ms. Dismukes testimony was assigned Document No. 10990-07, and is currently being held as classified. Also, the confidential portion of Chris Johnson's deposition was filed on December 17, 2007. That portion of Mr. Johnson's deposition was assigned Document No. 10969-07, and is also currently being held as classified.

Now, by e-mails dated July 10 and 14, 2008 (attached), the attorney for the utility has withdrawn its request that this information be held as confidential. Therefore, both Document Nos. 10990-07 and 10969-07, may be declassified, and the unredacted portions of Ms. Dismukes' testimony, i.e., Document No. 10990-07, may be placed in the docket file.

Attachments

cc: Division of Economic Regulation (Fletcher)
John Wharton, Esq.
Office of Public Counsel (Steve Burgess)

OMP _____
 OMB _____
 OTC _____
 OPR _____
 OPL _____
 OFC _____
 OCA _____
 OOR _____
 OGA _____
 OEG _____
 OTH _____

DOCUMENT NUMBER-DATE

06030 JUL 14 8

FPSC-COMMISSION CLERK

Maguerite

Ralph Jaeger

From: John Wharton [johnw@RSBattorneys.com]
Sent: Thursday, July 10, 2008 11:31 AM
To: Ralph Jaeger; BURGESS.STEVE
Cc: Marty Deterding
Subject: KW

We had previously requested confidential treatment for that portion of the deposition of Chris Johnson commencing at p. 50 of his deposition transcript. We hereby formally withdraw that request.

Ralph, if I need to do this in some form other than this email, let me know.

Can someone please send me an unredacted version of pages 60-62 of Kim Dismukes' testimony ?

John L. Wharton, Esq.
Rose, Sundstrom, & Bentley, LLP
2548 Blairstone Pines Dr.
Tallahassee, Fl. 32301
(850) 877-6555 - telephone
(850) 656-4029 - facsimile

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Thank you.

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7/14/2008

Ralph Jaeger

From: John Wharton [johnw@RSBattorneys.com]
Sent: Monday, July 14, 2008 10:35 AM
To: Ralph Jaeger
Cc: BURGESS.STEVE; Marty Deterding
Subject: KW

This email is to make clear we do not seek confidential treatment for anything in Chris Johnson's deposition transcript or for anything in Dismukes' testimony discussing that deposition testimony...

John L. Wharton, Esq.
Rose, Sundstrom, & Bentley, LLP
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