

State of Florida



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Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: August 3, 2009
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
Dorothy E. Menasco, Chief Deputy Commission Clerk, Office of Commission
Clerk
FROM: William C. Garner, Assistant to Chairman Carter *WC*
RE: Docket Nos. 080677-EI and 090079-EI

Please submit the attached correspondence into the main docket file for the above-referenced dockets.

Thank you.

DOCUMENT NUMBER-DATE

07940 AUG-3 09

FPSC-COMMISSION CLERK



FIRST AMENDMENT FOUNDATION

336 East College Avenue, Suite 101 Tallahassee, FL 32301

www.floridafaf.org

31 July 2009

Mr. William C. Gamber, Chief Advisor to Chairman Carter
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

VIA FACSIMILE

Dear Mr. Gamber:

We are in receipt of your letter of July 31 and frankly, we're a bit perplexed as to your determination that our letter constitutes an ex parte communication. Thus, we respectfully request some clarification.

First, can you explain why you consider our letter of 28 July concerning a public record request an ex parte communication?

Second, can you provide us with the authority that allows the Public Service Commission to treat a public record request as a proceeding?

We are concerned that suppression of our letter raises public record implications and therefore would appreciate a prompt reply.

Thank you.

Sincerely,

Barbara A. Petersen, President

Cc: Jon Kancy, General Counsel, First Amendment Foundation
JoAnn Carrin, Director, Office of Open Government

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REC - COMMISSION CLERK