

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of Amendment No. 1 to generation services agreement with Gulf Power Company, by Florida Public Utilities Company.

DOCKET NO. 110041-EI
ORDER NO. PSC-11-0195-PCO-EI
ISSUED: April 14, 2011

ORDER ACKNOWLEDGING LIMITED WITHDRAWAL OF
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND DENYING MOTION TO VACATE ORDER
(DOCUMENT NO. 01281-11)

On February 25, 2011, Florida Public Utilities Company (FPUC) filed a request for confidential classification of certain information provided in its Responses to Staff's First Data Request filed in this docket (Document No. 01281-11). On March 8, 2011, we issued Order No. PSC-11-0159-CFO-EI, granting FPUC's request.

On March 11, 2011, the City of Marianna (City) filed its objection to FPUC's confidential request entitled, The City of Marianna's Objection to Request for Confidentiality (Objection). The City also filed concurrent to its Objection, a Motion to Vacate Order as Premature (Motion) for Order No. PSC-11-0159-CFO-EI, issued on March 8, 2011, in this docket.

On March 23, 2011, FPUC filed a Notice of Limited Withdrawal of Confidential Classification (Notice) of its February 25, 2011 confidentiality request. In its Notice, FPUC requests withdrawal of its request for confidential treatment as it applied to the information contained in Attachment A of its response to Staff's First Set of Data Requests (No. 4(c)) for 2010-2017.

We acknowledge FPUC's Notice of Limited Withdrawal of Request for Confidential Classification as filed on March 23, 2011. Therefore, FPUC's information contained in Attachment A of its response to Staff's First Set of Data Requests (No. 4 (c)) for 2010-2017 is not entitled to specified confidential treatment. Hence, the information for the years 2010 through 2017 is publicly available, and the information pertaining to the years 2018-2019 remains confidential.

Since FPUC's limited withdrawal of its confidential request is for the portion of the information objected to by the City, then we will take no further action regarding the City's Objection, as it is now moot.¹ In addition, the City's Motion to Vacate the Order was predicated on permitting the City to file its Objection. Since the City's Objection is moot, its Motion is denied.

¹ The City stated in its Objection that "the 2018 and 2019 pricing is capable of being practically estimated from the publicly available 2010-2017 information." However, the City did not assert that the information for the years 2018 and 2019 was publicly available.

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FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Public Utilities Company's Notice of Limited Withdrawal of Request for Confidential Classification filed on March 23, 2011, is hereby acknowledged. It is further

ORDERED that the information contained in Attachment A of Florida Public Utilities Company's response to Staff's First Set of Data Requests (No. 4(c)) for 2010-2017 shall not be afforded specified confidential treatment. Therefore, the information for the years 2010 through 2017 is publicly available. It is further

ORDERED that the City of Marianna's Motion to Vacate Order No. PSC-11-0159-CFO-EI, is denied, and we will take no further action on the City of Marianna's Objection to Request for Confidentiality. It is further

ORDERED that Order No. PSC-11-0159-CFO-EI is reaffirmed in all other respects. Therefore, the information pertaining to the years 2018-2019 remains confidential.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 14th day of April, 2011.



RONALD A. BRISE
Commissioner and Prehearing Officer
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.