



Dallas
Denver
Fort Lauderdale
Jacksonville
Las Vegas
Los Angeles
Madison
Miami
New York
Orlando
Tallahassee
Tampa
Tysons Corner
Washington, DC
West Palm Beach

Suite 1200
106 East College Avenue
Tallahassee, FL 32301
www.akerman.com
850 224 9634 tel 850 222 0103 fax

June 24, 2010

RECEIVED-PPSC
10 JUN 24 PM 1:10
COMMISSION
CLERK

VIA HAND DELIVERY

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850


Re: Docket No. 100002-EG: Energy Conservation Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing, please find the original and 7 copies of Florida Public Utilities Company's Request for Confidential Treatment of information contained in staff's audit work papers. Along with this request, FPUC includes one highlighted and two redacted copies of the referenced audit workpapers from Audit Control No. 09-350-4-2.

Thank you for your assistance with this filing. If you have any questions whatsoever, please do not hesitate to let me know.

Sincerely,



Beth Keating
AKERMAN SENTERFITT
106 East College Avenue, Suite 1200
Tallahassee, FL 32302-1877
Phone: (850) 224-9634
Fax: (850) 222-0103

COM _____
APA 5
ECR _____
GCL 1
RAD _____
SSC _____
ADM _____
OPC _____
CLK 1

Enclosures

COMMISSION CLERK
15249 JUN 24 2010
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation)
Cost Recovery Clause)
_____)

Docket No: 100002-EG

Filed: June 24, 2010

**FLORIDA PUBLIC UTILITIES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Public Utilities Company ("FPUC" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby submits this Request for Confidential Classification of Volume 2 of the Commission Staff's Audit work papers (cross-referenced: PSC Document No. 04846-10) for Audit Control No. 09-350-4-2. These audit work papers contain confidential, proprietary information, including specific account information and employee compensation information. FPUC maintains this information as confidential information, and attests that it has not otherwise been publicly disclosed. In support of this request, FPUC states:

1. Subsection 366.093(1), Florida Statutes, provides that upon request, records received by the Commission which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)."

2. "Proprietary confidential business information" is defined as meaning "information, regardless of form or characteristics, which is owned or controlled by the ... company, is intended to be and is treated by the ... company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or

administrative body, or private agreement that provides that the information will not be released to the public." Section 366.093(3), Florida Statutes.

3. Proprietary confidential business information includes, but is not limited to, information concerning:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Section 366.093(3), Florida Statutes.

4. The confidential portions of the information being provided to the Commission fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

5. The confidential information in these work papers is treated by the Company as highly confidential information, the disclosure of which could have significant impacts directly upon the Company's ability to compete for services, as well as its ability to retain qualified employees while protecting employee morale.


6. Specifically, FPUC seeks confidential treatment of Volume 2 of the Audit Work Papers (WP 45-3: Payroll Adjustment) associated with Audit Control No. 09-350-4-2, in its entirety, which consists of 4 pages total, excluding the non-confidential cover page. The information contained in these work papers includes specific payroll allocations and payout amounts associated with a specific employee.

7. The Company maintains salary, compensation, and employee account information as strictly confidential information in an effort to prevent other entities from raiding FPUC for its highly qualified, skilled employees. The Company also protects this information to preserve morale among employees, and believes that disclosure of such information could result in difficulties and potential inefficiencies associated with reduced employee satisfaction and lowered morale. As such, the information, if disclosed, could impair FPUC's competitive interests by impacting its ability to retain qualified employees, and by harming its operations if employee morale is adversely impacted.

8. Along with this request, FPUC is submitting one highlighted, and two redacted copies of the referenced audit work papers, in accordance with Rule 25-22.006(4), Florida Administrative Code. Pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code, FPUC requests that the information described above as proprietary confidential business information be protected from disclosure for a period of at least 18 months and asks that all information be returned to the Company as soon as the information is no longer necessary for the Commission to conduct its business.

Docket No. 100002-EG
FPUC Request for Confidential Treatment
June 24, 2010

Respectfully submitted this 24th day of June, 2010.

By: 
Beth Keating
Akerman/Senterfitt, Attorneys at Law
106 East College Ave., Suite 1200
Tallahassee, FL 32301
(850) 521-8002
(850) 222-0103
beth.keating@akerman.com

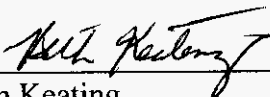
Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Public Utilities Company's REQUEST FOR CONFIDENTIAL CLASSIFICATION, has been furnished by U.S. Mail to the following parties of record this 24th day of June, 2010:

Florida Public Utilities Company Joseph Eysie P.O. Box 3395 West Palm Beach, FL 33402-3395	Jon C. Moyle, Jr., Esq. Vicki G. Kaufman, Esq. Keefe, Anchors, Gordon & Moyle 118 North Gadsden St. Tallahassee, FL 32301
Katherine Fleming, Esq. Theresa L. Tan, Esq. Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399	Office of Public Counsel Patricia Christensen c/o The Florida Legislature 111 West Madison Street Room 812 Tallahassee, FL 32399-1400
Paula K. Brown Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111	John T. Burnett, Esq. Progress Energy Florida, Inc. P.O. Box 14042 St. Petersburg, FL 33733-4042
Paul Lewis, Jr. Progress Energy Florida, Inc. 106 E. College Ave., Suite 800 Tallahassee, FL 32301	James D. Beasley, Esq. J. Jeffrey Wahlen, Esq. Ausley & McMullen P.O. Box 391 Tallahassee, FL 32302
Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steve R. Griffin, Esq. Beggs & Lane P.O. Box 12950 Pensacola, FL 32591-2950	Kenneth Rubin, Esq. Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420
R. Wade Litchfield Vice President/Assoc. Gen. Counsel Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420	John W. McWhirter, Jr., Esq. McWhirter Law Firm P.O. Box 3350 Tampa, FL 33601-3350

Ms. Susan Ritenour Secretary and Treasurer Gulf Power Company One Energy Place Pensacola, FL 32520-0780	James W. Brew, Esq. Brickfield, Burchette, Ritts & Stone, P.C.. Eighth Floor, West tower 1025 Thomas Jefferson Street, NW Washington, DC 20007
Randy B. Miller White Springs Agricultural Chemicals, Inc. P. O. Box 300 15843 Southeast 78 th St. White Springs, FL 32096	


Beth Keating
Akerman Senterfitt, Attorneys at Law
106 East College Avenue, Suite 1200
Tallahassee, FL 32301

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

Beth Keating
106 East College Avenue
Suite 1200
Tallahassee FL 32302-1877

Re: Acknowledgement of Confidential Filing in Docket No. 100002-EG

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on June 24, 2010, in the above-referenced docket.

Document Number 05250-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.