

**Eric Fryson**

---

**From:** Keating, Beth [BKeating@gunster.com]  
**Sent:** Wednesday, May 30, 2012 11:44 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** 'cyoung@fpuc.com'  
**Subject:** Docket No. 120002-EG  
**Attachments:** 20120530114227434.pdf

Attached for electronic filing, please find the Florida Public Utilities Company's Request for Extension of Confidential Classification

Beth Keating  
**Gunster, Yoakley & Stewart, P.A.**  
215 S. Monroe St., Suite 601  
Tallahassee, FL 32301  
**[bkeating@gunster.com](mailto:bkeating@gunster.com)**  
Direct Line: (850) 521-1706

a. Person responsible for this electronic filing:

Beth Keating  
**Gunster, Yoakley & Stewart, P.A.**  
215 S. Monroe St., Suite 601  
Tallahassee, FL 32301  
**[bkeating@gunster.com](mailto:bkeating@gunster.com)**  
Direct Line: (850) 521-1706

b. Docket No. 120002-EG - In re: Energy Conservation Cost Recovery Clause.

c. On behalf of: Florida Public Utilities Company

d. There are a total of pages: 6

e. Description: Request for Extension of Confidential Classification



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

**Beth Keating** | Attorney  
Governmental Affairs  
215 S. Monroe Street, Suite 601  
Tallahassee, FL 32301  
P 850-521-1706 C 850-591-9228  
[gunster.com](http://gunster.com) | [View my bio](#)

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein. Click the following hyperlink to view the complete Gunster IRS Disclosure & Confidentiality note.

<http://www.gunster.com/terms-of-use/>

INFORMATION SYSTEMS

03440 MAY 30 2012

FPSC-COMMISSION CLERK

5/30/2012



Writer's Direct Dial Number: (850) 521-1706  
Writer's E-Mail Address: bkeating@gunster.com

May 30, 2012

**ELECTRONIC FILING – FILINGS@PSC.STATE.FL.US**

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

Re: Docket No. 120002-EG – **Energy Conservation Cost Recovery Clause.**

Dear Ms. Cole:

Attached for electronic filing, please find Florida Public Utilities Company's Request for Extension of Confidential Classification previously granted by Order No. PSC-10-0675-CFO-GU to material provided in connection with Conservation Clause Audit No. 09-350-4-2 (referenced Document Nos. 04846-10 and 05250-10).

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

Sincerely,

Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
(850) 521-1706

COM \_\_\_\_\_  
APA \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
RAD \_\_\_\_\_  
SRC \_\_\_\_\_  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK   I  

03440 MAY 30 2012

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost )  
Recovery Clause )  
\_\_\_\_\_ )

Docket No. 120002-EG

Filed: May 30, 2012

**FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR  
EXTENSION OF 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 Extension of Confidential Classification previously granted to certain material (Document Nos. 04846-10 and 05250-10) that was provided to the Florida Public Service Commission ("Commission," "PSC," or "Staff") and contained in Volume 2 of the audit workpapers associated with FPUC's Energy Conservation Clause Audit, Audit No. 09-350-4-2). In support of this Request, FPUC states as follows:

1. By Order No. PSC-10-0675-CFO-GU, issued November 12, 2010, in Docket No. 100002-EG, the Commission granted FPUC's request for confidential treatment of the information included in the referenced documents for a period of 18 months. By the terms of the Commission's Order, the confidential treatment afforded this information is set to expire this month, unless an extension is granted. By this Request, FPUC seeks an extension of the confidential classification previously granted by Order No. PSC-10-0675-CFO-GU.
2. 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)."
3. "Proprietary confidential business information" is defined as meaning "information, regardless of form or characteristics, which is owned or controlled by the ... company, is

Docket No. 120002-EG  
FPUC Request for Extension of Confidential Treatment

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.

4. 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.

5. The confidential portions of the information provided to, and retained by, 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. The audit workpapers contain information, including specific account information and employee compensation information, which has been treated by FPUC as highly confidential and has not been publicly disclosed, including specific payroll allocations and payout amounts associated with a specific employee. FPUC maintains salary, compensation, and employee account information confidential in order to prevent other entities from raiding FPUC for its highly qualified, skilled employees. This information, if disclosed, would

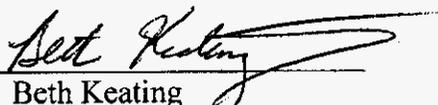
Docket No. 120002-EG  
FPUC Request for Extension of Confidential Treatment

impair the efforts of FPUC to compete for services, as well as its ability to attract and retain qualified employees. The information therein is therefore proprietary confidential business information and is entitled to continued and ongoing protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

6. Specifically, FPUC seeks continued confidential treatment of Volume 2 of the Audit Workpapers (WP 45-3: Payroll Adjustment), in their entirety, which consists of 4 pages total, excluding the non-confidential cover page. FPUC further incorporates by reference the highlighted and redacted exhibits attached to its June 24, 2010, Request for Confidentiality. The information in question includes specific payroll allocations and payout amounts associated with a specific employee.

7. 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 an additional 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.

Respectfully submitted this 30th day of May, 2012.

By:   
Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
(850) 521-1706

*Attorneys for Florida Public Utilities Company*

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing in Docket No. 120002-EG has been furnished by U.S. Mail to the following parties of record this 30th day of May 2012:

Florida Public Utilities Company Cheryl Martin/Aleida Socarras 1641 Worthington Road, Suite 220 West Palm Beach, Florida 33409	Jon C. Moyle, Jr., Esq. Vicki G. Kaufman, Esq. Keefe, Anchors, Gordon & Moyle 118 North Gadsden St. Tallahassee, FL 32301
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./Dianne M. Triplett 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	George Cavros, Esq. 120 East Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 33334 george@cavros-law.com
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

Docket No. 120002-EG  
FPUC Request for Extension of Confidential Treatment

Randy B. Miller White Springs Agricultural Chemicals, Inc. P.O. Box 300 15843 Southeast 78 <sup>th</sup> St. White Springs, FL 32096	Karen S. White, Staff Attorney c/o AFCEA-ULFSC 139 Barnes Drive, Suite 1 Tyndall Afb, FL 32403-5319
Suzanne Brownless 433 North Magnolia Drive Tallahassee, FL 32308	



---

Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
(850) 521-1706