

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of acquisition adjustment and recovery of regulatory assets, and request for consolidation of regulatory filings and records of Florida Public Utilities Company and Florida Division of Chesapeake Utilities Corporation.

DOCKET NO. 110133-GU  
ORDER NO. PSC-14-0234-CFO-GU  
ISSUED: May 14, 2014

ORDER GRANTING FLORIDA PUBLIC UTILITY COMPANY'S REQUEST FOR CONFIDENTIALITY (DOCUMENT NO. 06226-11, X-REF DOCUMENT NO. 05685-11)

On August 29, 2011, pursuant to section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Florida Public Utility Company (FPUC or Company) filed a request for confidential classification of certain materials provided pursuant to Staff's Audit Control No. 11-129-4-1 (Document No. 06226-11, x-ref Document No. 05685-11) (Request). Document No. 06226-11, x-ref Document No. 05685-11, are currently held by the Commission's Office of the Commission Clerk as confidential pending resolution of FPUC's request for confidential classification. FPUC asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FPUC requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), F.S.

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S., Florida's Public Records Act. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes:

- (b) Internal auditing controls and reports of internal auditors.
- (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.

FPUC asserts that the information for which it seeks confidential status consists of financial information and corporate strategic information, as more specifically identified in Exhibit A to its Request. FPUC contends that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(b), (d), and (e), F.S., as proprietary confidential business information, that if disclosed, could harm the

Company's ability to obtain financing and contract for goods and services on favorable terms, negatively impacting the Company's ratepayers and business operations.

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(b), (d), and (e), F.S. The information contains financial information and corporate strategic information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair the competitive interests of its customers. Therefore, I grant confidential classification for Document No. 06226-11, x-ref Document No. 05685-11.

Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless the Utility or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

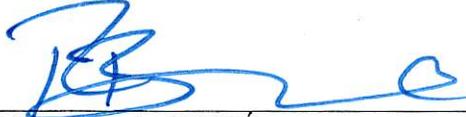
Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Public Utility Company's request for confidential classification of portions of Documents Nos. 06226-11 and 05685-11 is granted. It is further

ORDERED that the information for which confidential classification has been requested will be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 14th day of May, 2014.



RONALD A. BRISÉ  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.