

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of transportation service agreement for an extension in Nassau County with Florida Public Utilities Company, by Peninsula Pipeline Company, Inc.

DOCKET NO. 140189-GU
ORDER NO. PSC-14-0687-CFO-GU
ISSUED: December 12, 2014

ORDER GRANTING JOINT REQUEST OF FLORIDA PUBLIC UTILITIES COMPANY
AND PENINSULA PIPELINE COMPANY FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 06105-14)

On October 29, 2014, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Public Utilities Company (FPUC) and Peninsula Pipeline Company, Inc. (Peninsula) filed a Joint Request for Confidential Classification (Request) of information contained in their respective responses to Florida Public Service Commission (Commission) Staff's First Data Requests and information contained in Attachment 2 to the Responses provided by Peninsula (Document No. 06105-14). This request was filed in Docket No. 140189-GU.

Request for Confidential Classification

FPUC and Peninsula contend that the information contained in their respective responses to Commission Staff's First Data Requests and information contained in Attachment 2 to the Responses provided by Peninsula, constitute proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPUC and Peninsula assert that this information is intended to be and is treated by FPUC and Peninsula as private and has not been publically disclosed.

FPUC and Peninsula contend that the highlighted rates and terms in their respective responses to the Staff's Data Requests represent contractual information that both Peninsula and FPUC treat as proprietary confidential business information, as well as cost information that Peninsula considers proprietary confidential business information. In particular, FPUC and Peninsula seek confidential classification of the highlighted information in Peninsula's response to Data Requests Nos. 1 (page 1), 5 (page 2), 8 (page 3), and Attachment 2, and in FPUC's response to Data Request No. 15 (page 2). With regard to Attachment 2, FPUC and Peninsula seek confidential classification of the highlighted information in all lines for the columns "Contracted Capacity," "Annual Reservation Charge," "Rate per Dt of Capacity," "Fuel Retention Percentage," "Miles of Pipe," "Size of Pipe," and "Total Const. Cost." FPUC and Peninsula contend that the information represents contractual terms and related cost information that, if disclosed, could impair both of their ability to contract for goods and services, could impair Peninsula's competitive interests and could result in harm, ultimately, to FPUC's ratepayers. FPUC and Peninsula argue that such information is protected pursuant to Section 366.093(3)(d) and (e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Commission has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. 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, but is not limited to:

- (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.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in the Request appears to contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPUC and Peninsula or its affiliates to contract for goods or services on favorable terms, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document No. 06105-14 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FPUC and Peninsula or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that the Joint Request of Florida Public Utilities Company and Peninsula Pipeline Company for Confidential Classification of Document No. 06105-14 is granted. It is further

ORDERED that the information in Document No. 06105-14, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 12th day of
December, 2014.



JULIE I. BROWN

Commissioner and Prehearing Officer
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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.

DJ

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.