

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost)
Recovery Clause)
_____)

Docket No. 050001-EI
Filed: November 7, 2005

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, submits this Request for confidential Classification of certain information in response to discovery requests of the Commission Staff (“Staff”) in their Second Request for Production of Documents.

1. In their Second Production of Documents request, Staff requested all responses to FPUC’s RFP process (Item 6). FPUC has arranged to have the responses available but the information being provided includes “proprietary confidential business information” as that term is used in Section 366.093, Florida Statutes. Accordingly, FPUC hereby requests confidential classification of the documents pursuant to Rule 25-22.006(3)(a), Florida Administrative Code.

2. The documents to be made available consist of the responses to the RFP received by the Company. These responses contain offers and terms for the provision of power to FPUC beginning in 2008 and the information is deemed and treated as proprietary confidential business information. The requested responses contain pricing and supply information prepared and furnished by parties interested in contacting with FPUC for the provision of power. Such information is valuable to the respondents and to FPUC and


disclosure of the contents of the RFPs would benefit the competing respondents and impair the ability of FPUC to negotiate the most favorable contract for its customers.

3. The information in the RFP responses have economic value to competitors and in order to ensure a range of responses FPUC had to assure responding providers that their proposals would be kept confidential. The contents of the responses are particularly critical to the responding parties as they represent their information and offers and some will not result in a contract with FPUC. To this end, FPUC and each responding party have a confidentiality agreement precluding public disclosure of the contents of the response. FPUC has not publicly disclosed any of the proposed terms, arrangements or contents of the responses. Without such arrangements, FPUC may not be able to receive the variety of responses or may not be able to engage in future requests and negotiations for services from providers.

4. For the reasons stated above, disclosure of this information would impair FPUC's efforts to contract for goods or services on favorable terms under 366.093(3)(d), Florida Statutes, and/or impair the competitive businesses of the providers of the information under Section 366.093(3)(e), Florida Statutes. Therefore, the information identified constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), Florida Statutes.

WHEREFORE, for the foregoing reasons, FPUC respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted this 7th day of November, 2005.

for 
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by electronic mail (*) and/or U. S. Mail this 7th day of November, 2005 upon the following:

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