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-M-E-M-O-R-A-N-D-U-M- COMMISSION CLERK

DATE: May 12, 2006
TO: Chris Moore, Senior Attorney, Office of the General Counsel
FROM: John Slemkewicz, Public Utilities Supervisor, Division of Economic Regulation JS
RE: Docket No. 060291-PU, Confidentiality Request for 2006 Forecasted Earnings Surveillance Report by Florida Public Utilities Company

Rule 25-6.1353, F.A.C., and Rule 25-7.1353, F.A.C., require that certain investor-owned electric and gas utilities file a forecasted earnings surveillance report (FESR). This filing, made by March 1st of each year, contains forecasted financial information for that calendar year. Florida Public Utilities Company (FPUC) has filed FESRs for its electric division and its gas division containing forecasted information for 2006 under a request for confidentiality. FPUC has been filing this information on an annual basis since 1994 without any requests for confidentiality.

Pursuant to the requirements of the rules, Gulf Power Company, Tampa Electric Company, Florida City Gas and Peoples Gas have filed FESRs containing forecasted information for 2006. None of these utilities have requested confidential treatment for their 2006 FESRs.

FPUC claims that the information contained in the FESR schedules is proprietary business information as defined by Section 366.(3)(a) and (e), Florida Statutes. These two sections concern trade secrets and information relating to competitive interests.

The information contained in the FESR schedules is highly summarized by broad categories. In this instance, staff is unable to ascertain how the information presented in the FESR, even if more detailed, could possibly reveal any trade secrets. In addition, the staff believes that the disclosure of the highly summarized information does not provide sufficient detail to harm the competitive interests of FPUC.

Staff recommends denial of FPUC's request for the confidential treatment of its 2006 Forecasted Earnings Surveillance Report.

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JTH Lockard

cc: Marshall Willis
Shari Cornelius

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