

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Approval of the Electric)
 Fuel Supply Contract and Related Terms)
 and Conditions between Gulf Power)
 Company and Florida Public Utilities)
 Company for their Northwest Division)
 (Marianna) Beginning 2008)
 _____)

Docket No. 070108-EI
 Filed: February 8, 2007

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida Public Utilities Company ("Company" or "FPUC"), pursuant to Section 366.093, Florida Statutes and Rule 25-22.006(3) and (4), Florida Administrative Code, herewith requests confidential classification of the Agreement for Generation Services between FPUC and Gulf Power Company (the "Agreement") and as basis would state:

1. This docket was initiated by FPUC by petition seeking approval of the Agreement for Generation Services between FPUC and Gulf Power Company. This Agreement establishes the terms, conditions, and prices for power purchases by FPUC from Gulf commencing January 1, 2008.

This Agreement replaces an existing agreement between the parties which expires December 31, 2007.

2. The Agreement contains information which is considered proprietary, confidential business information. The Agreement contains terms, prices and similar contractual arrangements which were negotiated between the parties. Specifically, page 11 of the Agreement, contains a table reflecting the negotiated capacity rates which is considered proprietary, confidential business information as defined in Section 366.093 (3), Florida Statutes. The disclosure of this information would be detrimental to the interests of both parties to this Agreement as well as their customers as it

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would impair the efforts of each to negotiate with other suppliers on favorable terms and would put the parties at a competitive disadvantage. Accordingly, the table on page 11 of the Agreement constitutes proprietary confidential business information exempt from Section 119.07 as provided by Section 366.093(3) (d) and (e).

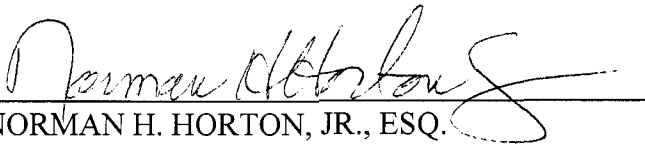
3. The Company also requests confidential classification of Schedule E10 which is part of an exhibit sponsored by Ms. Cheryl Martin. This schedule in its entirety contains proprietary confidential business information as defined in Section 366.093(3). Using the information and data on Schedule E10, the negotiated capacity rates can be calculated. These rates are proprietary as described in paragraph 2 and disclosure of data which would enable the calculation is likewise proprietary and confidential. Section 366.093, Florida Statutes defines proprietary, confidential business information to mean information regardless of form or characteristics that is intended to be and is treated as private. The ability to use data from E10 to calculate the rate would disclose proprietary rates and such disclosure would impair the ability of the parties to negotiate and contract on favorable terms. Accordingly, the information contained in Scheduled E10 should be classified as proprietary confidential business information as defined by Section 366.093(3)(d) and (e).

4. Exhibit "A" hereto is a package containing unredacted copies of the Agreement and Schedule E10. Redacted versions of these documents are included with copies of the petition.

FOR THE FOREGOING reasons, FPUC requests that the information in the Agreement and Schedule E10 as described herein be classified as proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes.

Dated this 8th day of February, 2007.

Respectfully submitted,
MESSER, CAPARELLO & SELF, P. A.
2618 Centennial Place
Tallahassee, FL 32308
(850) 222-0720

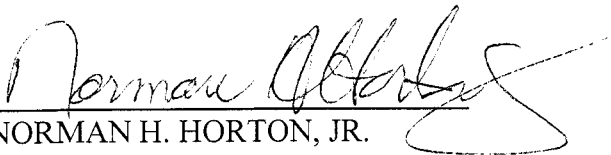

NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by U. S. Mail this 8th day of February, 2007 upon the following:

Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Rm 812
Tallahassee, FL 32399-1400


NORMAN H. HORTON, JR.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: 2.8.07
TO: Norman H. Horton
FROM: T. Henry, Division of the Commission Clerk &
Administrative Services
RE: **Acknowledgment of Receipt of Confidential Filing**

01336-07 & 01337-07

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket

No. 070108 or (if filed in an undocketed matter) concerning
FPUC & Gulf Power Agreement, and
filed on behalf of FPUC / Horton. The
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

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