



ORIGINAL

Public Service Commission

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

RECEIVED - FPUC
07 FEB 22 AM 10:32
COMMISSION CLERK

DATE: February 19, 2007

TO: Lisa C. Bennett, Attorney, Office of the General Counsel

FROM: Jeanette S. Sickel, Engineering Specialist III, Division of Economic Regulation *JSS*

RE: Docket No. ~~070108-EE~~ ^{070107-GW} Petition for approval of agreement for generation services and related terms and conditions with Gulf Power Company for Northwest Division (Marianna) beginning 2008, by Florida Public Utilities Company - Confidentiality Request - Document Nos. 01336-07 and 01337-07 *MS RL*

On February 9, 2007, Florida Public Utilities Company (FPUC) filed a request for Confidential Classification of Document Nos. 01336-07 and 01337-07. Document No. 01336-07 is the negotiated agreement establishing terms, conditions and prices for generation services to be provided by Gulf Power Company (Gulf) and purchased by FPUC. Negotiated capacity rates reflected in a table shown on page 11 of the agreement are marked for confidential treatment. Document No. 01337-07 is the Schedule E10 titled "Residential Bill Comparison" included with the exhibits sponsored by Cheryl Martin and attached to testimony submitted by her in this docket. FPUC advises that the negotiated capacity rates can be calculated from the information provided in Document No. 01337-07.

FPUC asserts that the prices and contractual arrangements which were negotiated between the parties have been maintained within the control of the parties and treated as proprietary, confidential business information which has not been disclosed. Disclosure of the proprietary information would put the parties at a competitive disadvantage and impair the efforts of each party to negotiate with other suppliers on favorable terms. Section 366.093(3), subsections (d) and (e), Florida Statutes, protects such information against disclosure.

Staff has reviewed Document Nos. 01336-07 and 01337-07 and believes that the information is, in fact, what FPUC asserts it to be, that FPUC has provided enough details to perform a reasoned analysis of its Request for Confidential Classification, and the FPUC and Gulf, and the respective ratepayers, might be harmed if the information is publicly disclosed. As a result, staff recommends that this information be afforded confidential treatment under Sections 366.093(d) and (e), Florida Statutes, for a period of eighteen months.

CMP _____
 COM _____
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 GCL _____ cc: Division of the Commission Clerk and Administrative Services
 OPC _____
 RCA _____
 SCR _____
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DOCUMENT NUMBER-DATE

01713 FEB 22 08

FPUC-COMMISSION CLERK

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. McMURRIAN

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

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

DATE: February 9, 2007

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE AND
CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 01336-07 & 01337-07

DESCRIPTION: FPUC (Horton) - (CONFIDENTIAL) Agreement for generation services with GPC; specifically page 11. [01336-07]

FPUC (Horton) - (CONFIDENTIAL) Schedule E10 which is part of an exhibit sponsored by Cheryl Martin. [01337-07]

SOURCE: Florida Public Utilities Company

DOCKET NO(S): 070108-EI

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: J. Schickel

Date: Feb 19, 2007

cc: GCL FLL
 CMP CCA
 ECR RCA

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-ET
 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.

CMP _____

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OTH 1 copy records

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

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).

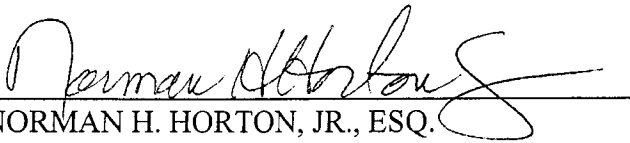
3. The Company also requests confidential classification of Schedule E10 which is part of an exhibit sponsored by Ms. Cheryl Martin. This schedule in its entirety contains proprietary confidential business information as defined in Section 366.093(3). Using the information and data on Schedule E10, the 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.