



Suite 1200
106 East College Avenue
Tallahassee, FL 32301

www.akerman.com

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100000-OT

June 21, 2010

VIA HAND DELIVERY

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850


Re: Undocketed - Request by Florida Public Utilities Company for Confidential Classification

Dear Ms. Cole:

Enclosed for filing, please find the original and 7 copies of Florida Public Utilities Company's Request for Confidential Treatment of information provided in its response to a letter dated June 1, 2010, from Mr. Timothy J. Devlin, Executive Director. Along with this request, FPUC includes one highlighted and two redacted copies of its Response to Mr. Devlin's letter.

Thank you for your assistance with this filing. If you have any questions whatsoever, please do not hesitate to let me know.

Sincerely,



Beth Keating
AKERMAN SENTERFITT
106 East College Avenue, Suite 1200
Tallahassee, FL 32302-1877
Phone: (850) 224-9634
Fax: (850) 222-0103

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cc: Mr. Tim Devlin (redacted version/via email)

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FPSC-COMMUNICATIONS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request of Florida Public Utilities) Undocketed
Company for Confidential Treatment of Certain)
Information Provided in Response to Staff Inquiry) Filed: June 21, 2010
_____)

REQUEST FOR CONFIDENTIAL TREATMENT

Florida Public Utilities Company ("FPUC" or "Company"), by and through its undersigned attorneys, pursuant to Section 366.093, Florida Statutes, and in accordance with Rule 25-22.006(4), Florida Administrative Code, hereby submits this request for confidential classification of certain information provided to the Commission in response to Mr. Timothy J. Devlin's letter dated June 1, 2010. In support thereof, FPUC states:

1. Subsection 366.093(1), Florida Statutes, provides that upon request, records received by the Commission which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)."

2. "Proprietary confidential business information" is defined as "information, regardless of form or characteristics, which is owned or controlled by the ... company, is intended to be and is treated by the ... company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public." Section 366.093(3), Florida Statutes.

3. Proprietary confidential business information includes, but is not limited to, information concerning:

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- (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 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.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Section 366.093(3), Florida Statutes.

4. The specific confidential information being provided to the Commission in FPUC's Response to Mr. Devlin's letter falls within these statutory definitions, and therefore constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

5. The highlighted, confidential information provided in response to the Commission's request for information is treated by the Company as highly confidential information, the disclosure of which could have significant impacts directly upon the Company's ability to compete for services, as well as its ability to retain qualified employees while protecting employee morale.

6. Specifically, FPUC seeks confidential treatment of the highlighted numbers set forth on pages 1, 2, and 3 of its Response to Mr. Devlin. These amounts reflect either salary

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amounts associated with the specified employee, or they represent amounts paid to outside legal counsel and consultants for various services.

7. With regard to the amounts associated with the specified employee, as set forth in FPUC's response to Question 1 (Page 1), the Company maintains salary information as strictly confidential information in an effort to prevent other entities from raiding FPUC for its highly qualified, skilled employees. The Company also protects this information to preserve morale among employees, and believes that disclosure of such information could result in difficulties and potential inefficiencies associated with reduced employee satisfaction and lowered morale. As such, the information, if disclosed, could impair FPUC's competitive interests by impacting its ability to retain qualified employees, and by harming its operations if employee morale is adversely impacted.


8. Similarly, the highlighted numbers set forth in response to Question 3 (Pages 2 and 3) reflect amounts paid to outside counsel and consultants during the period in question. The amounts indicated are monies paid pursuant to negotiated contracts for services, and if disclosed, could impair FPUC's ability to contract for such outside services on favorable terms as compared with other similarly situated companies, thus also impairing FPUC's competitive interests. FPUC treats this information as confidential, and has not otherwise disclosed these amounts publicly.

9. Along with this request, FPUC is submitting one highlighted, and two redacted copies of its Response to Mr. Devlin, in accordance with Rule 25-22.006(4), Florida Administrative Code. Pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code, FPUC requests that the information described above as proprietary

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confidential business information be protected from disclosure for a period of at least 18 months and asks that all information be returned to the Company as soon as the information is no longer necessary for the Commission to conduct its business.

Respectfully submitted this 21st day of June, 2010.

By: 
Beth Keating
Akerman/Senterfitt, Attorneys at Law
106 East College Ave., Suite 1200
Tallahassee, FL 32301
(850) 521-8002
(850) 222-0103
beth.keating@akerman.com

Attorneys for Florida Public Utilities Company

State of Florida



Public Service Commission

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

Beth Keating
106 East College Avenue
Suite 1200
Tallahassee FL 32302

Re: Acknowledgement of Confidential Filing in Docket No. 100000-OT

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on June 21, 2010, in the above-referenced docket.

Document Number 05161-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.