

Writer's Direct Dial Number: (850) 521-1706  
Writer's E-Mail Address: bkeating@gunster.com

January 26, 2011

110041-81

**BY HAND DELIVERY**

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

claim of confidentiality  
 notice of intent  
 request for confidentiality  
 filed by OPC  
For DN 00607-11, which  
is in locked storage. You must be  
authorized to view this DN.-CLK

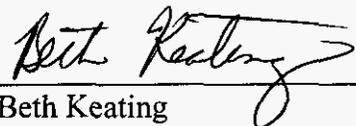
Re: In re: Request for Approval of Amendment No. 1 to the Agreement for Generation Services  
Between Gulf Power Company and Florida Public Utilities Company by Florida Public  
Utilities Company

Dear Ms. Cole:

Enclosed for filing, please find an original and seven (7) copies of Florida Public Utilities  
Company's Request for Confidential Classification of Amendment No. 1 to the Generation  
Services Agreement between FPUC and Gulf Power Company. Enclosed with this filing are one  
highlighted and two redacted copies of the Amendment for which confidential classification is  
requested, consistent with Rule 25-22.006, Florida Administrative Code. Copies of this Request,  
without attachments, have been provided consistent with the attached Certificate.

Thank you for your assistance with this filing. Please do not hesitate to contact me if you have  
any questions or concerns.

Sincerely,

  
Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 618  
Tallahassee, FL 32301  
(850) 521-1706

COM  
APA  
ECR  
GCL  
RAD  
SSC  
ADM  
OPC  
CLK  
MEK

DOCUMENT NUMBER 00607-11  
00606 JAN 26 11  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request for Approval of Amendment )  
No. 1 to the Agreement for Generation )  
Services Between Gulf Power Company and )  
Florida Public Utilities Company )  
\_\_\_\_\_ )

Docket No. 110041-E1  
Filed: January 26, 2011

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida Public Utilities Company (“Company” or “FPUC”), pursuant to Section 366.093, Florida Statutes, and in accordance with Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of Amendment No. 1 to the Agreement for Generation Services between FPUC and Gulf Power Company. In thereof, FPUC hereby states that:

1. This Docket has been opened to address FPUC’s request that the Commission approve Amendment No. 1 to the Agreement for Generation Services between FPUC and Gulf Power Company, which went into effect on January 1, 2008. The Agreement for Generation Services was approved by the Commission by Order No. PSC-07-0476-PAA-EI, and has previously been granted confidential treatment by Order No. PSC-10-0186-CFO-EI, issued March 29, 2010, in Docket No. 100001-EI.

2. Amendment No. 1 to the Generation Service Agreement revises certain prices, terms and conditions in the underlying Generation Services Agreement. The effective date for Amendment No. 1 is January 25, 2011.

2. Amendment No. 1 contains certain information that both FPUC and Gulf Power consider to be highly confidential, proprietary business information, and both Companies treat this information as such. Specifically, on page 2 of Amendment No. 1, the chart contained in numbered paragraph 1 includes terms and rates that were negotiated between the parties. FPUC

DOCUMENT NUMBER DATE  
00606 JAN 26 =  
FPSC-COMMISSION CLERK

and Gulf Power treat this information as confidential, and the information has not otherwise been publicly disclosed. Moreover, public disclosure of this information would be detrimental to both FPUC and to Gulf Power, as well their customers, and would impair each parties' ability to negotiate with other suppliers on favorable terms. Consequently, both FPUC and Gulf would be at a significant competitive disadvantage if this information were made publicly available. The information set forth in the chart contained in numbered paragraph 1, therefore, meets the definition of "proprietary confidential business information" as set forth in Section 366.093(3), Florida Statutes, which provides:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or 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. Proprietary confidential business information includes, but is not limited to:

- (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.

FPUC therefore asks that the specified information in Amendment No. 1 be afforded confidential classification, and deemed exempt from Section 119.07, Florida Statutes.

3. Attachment A, which is attached and incorporated herein, is a copy of Amendment No. 1 in which the referenced confidential information has been highlighted. Also, included with this filing are two redacted copies of Amendment No. 1.

4. FPUC asks that confidential classification be granted for a period of at least 18 months. Should the Commission no longer find that it needs to retain the document, FPUC respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPUC respectfully requests that the highlighted information contained in Amendment No. 1 (Attachment A) be classified as “proprietary confidential business information,” exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of January, 2011.



---

Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 618  
Tallahassee, FL 32301  
(850) 521-1706

**CERTIFICATE OF SERVICE**

I HEREBY ATTEST that a true and correct copy of the foregoing has been served upon the following by U.S. Mail this 26<sup>th</sup> Day of January, 2011:

Office of the Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400	Robert Scheffel Wright John T. LaVia c/o Young Law Firm 225 South Adams Street, Suite 200 Tallahassee, FL 32301
Frank E. Bondurant, City Attorney Bondurant and Fuqua, P.A. 4450 Lafayette St. P.O. Box 1508 Marianna, FL 32447	



Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 618  
Tallahassee, FL 32301  
(850) 521-1706

State of Florida



## Public Service Commission

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

**Beth Keating**  
215 South Monroe St. Suite 618  
Tallahassee FL 32301

**Re: Acknowledgement of Confidential Filing in Docket No. 110041-EI**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on January 26, 2011, in the above-referenced docket.

Document Number 00607-11 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.