

**Diamond Williams**

110001-EI

**From:** Keating, Beth [BKeating@gunster.com]  
**Sent:** Wednesday, April 06, 2011 10:27 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 110001-EI  
**Attachments:** 20110406102412049.pdf

Attached for electronic filing, please find Florida Public Utilities Company's Withdrawal of Request for Confidentiality in the above-reference Docket. Please do not hesitate to contact me if you have any questions.

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a. Person responsible for this electronic filing:

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b. Docket No. 110001-EI - In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

c. On behalf of: Florida Public Utilities Company

d. There are a total of 5 pages.

e. Description: FPUC's Withdrawal of Request for Confidentiality

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DOCUMENT NUMBER-DATE

02292 APR-6 =

FPSC-COMMISSION CLERK

4/6/2011



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April 6, 2011

**BY ELECTRONIC FILING**

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

Re: Docket No. 110001-EI - **Fuel and purchased power cost recovery clause with generating performance incentive factor.**

Dear Ms. Cole:

Attached for electronic filing, please find the Florida Public Utilities Company's Withdrawal of its Request for Confidential Classification of certain information contained in composite Exhibit CDY-1 to the testimony of Mr. Curtis Young. The referenced request was filed in the Docket on March 18, 2011.

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  
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DOCUMENT NUMBER - DATE

02292 APR -6 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power )  
Cost Recovery Clause with Generating )  
Performance Incentive Factor. )

Docket No. 110001-EI  
Filed: April 6, 2011

**FLORIDA PUBLIC UTILITIES COMPANY'S  
WITHDRAWAL OF REQUEST FOR CONFIDENTIAL  
CLASSIFICATION**

On March 18, 2011, Florida Public Utilities Company (FPUC or Company) by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with Rule 25-22.006(4), Florida Administrative Code, submitted its Request for Confidential Classification for information contained in Exhibit CDY-1, which is included in the 2010 Final True-Up Testimony and Exhibits of Mr. Curtis Young, filed previously under a Notice of Intent on March 1, 2011. Specifically, the information for which confidential classification was sought was information contained in Schedule M-1 that either revealed, or could be used to easily derive, certain contractual information and terms contained in FPUC's Generation Services Agreement with Gulf Power Company. In its March 18 Request, FPUC noted that, at that time, to FPUC's knowledge, this information was protected and had not otherwise been disclosed publicly.<sup>1</sup>

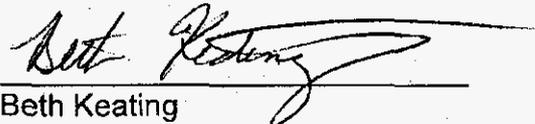
The Company has subsequently confirmed that information included on Schedule M-1, which reflects the period January 2010 through December 2010, is now publicly available on the website of the Federal Energy Regulatory Commission

<sup>1</sup> To be clear, while FPUC had been made aware of the City of Marianna's contention that information regarding the Generation Services Agreement had been published on the FERC website prior to filing its Request for Confidential Classification on March 18, the Company was unable to confirm the specifics of what data had been published until March 23, 2011, when it then withdrew, in part, its Request for Confidential Classification in Docket No. 110041-EI. Because the Company had submitted the information in this Docket under a Notice of Intent, timing was such that the Company was unable to confirm the publication of the information prior to filing the March 18 Request for Confidentiality submitted in this Docket.

(FERC). In light of this new information, FPUC hereby respectfully withdraws its request for confidential treatment of the information contained in Schedule M-1.<sup>2</sup>

WHEREFORE, FPUC hereby withdraws its Request for Confidential Classification as it applied to the information contained in Schedule M-1, which is included in Exhibit CDY-1 to the Testimony of Mr. Curtis Young. This information should no longer be treated as exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 6th day of April, 2011.



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<sup>2</sup> As noted by the City of Marianna, the issue of whether information for 2018 – 2019 is also publicly available remains an open question in Docket No. 110041-EI; however, that issue is irrelevant for purposes of the Company's March 18 Request for Confidential Classification in this Docket, because the request in the instant Docket only covered information for the calendar year 2010.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by Electronic Mail to the following parties of record this 6th day of April, 2011:

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