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Writer's E-Mail Address: bkeating@gunster.com

April 11, 2011

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 0240871 which is in locked storage. You must be authorized to view this DN.-CLK


Re: Docket No. 110041-EI - Petition for approval of Amendment No. 1 to generation services agreement with Gulf Power Company, by Florida Public Utilities Company.

Dear Ms. Cole:

Enclosed for filing in the referenced Docket, please find the original and six copies of Florida Public Utilities Company's Request for Confidential Classification of portions of Attachment E to its Responses to Staff's Third Data Requests to the Company. Also included are one highlighted copy on CD, and two redacted hard copies of the referenced Attachment. Service has been made in accordance with the attached certificate.

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

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cc: Interested Persons

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for approval of Amendment No. 1)
to generation services agreement with Gulf)
Power Company, by Florida Public)
Utilities Company.)
_____)

Docket No. 110041-EI

Filed: April 11, 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 information contained in Attachment E to its Response to Staff’s Third Data Requests No. 14 in this Docket. 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. Attachment E to FPUC’s data responses contains certain information that pertains to information in Amendment No. 1 and in underlying Agreement for Generation Services, for which FPUC has already sought confidential classification. Both FPUC and Gulf Power consider this information to be highly confidential, proprietary business information, and both

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Companies treat this information as such. While certain information pertinent to the contract is available on the website of the Federal Energy Regulatory Commission, information for the years 2018 and 2019 is not, to FPUC's knowledge, publicly-available and it is treated by both FPUC and Gulf Power as confidential. Specifically, the data in the columns marked "2018" and "2019," of Attachment E, and in rows 8 – 10, 15 – 17, 19, and 21, is information relating to specific rates that were negotiated between the parties. Release of this information would allow competitors to easily derive confidential contract terms. As such, FPUC 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 Attachment E, in the columns “2018” and “2019”, in rows 8 – 10, 15 – 17, 19, and 21 be afforded confidential classification, and deemed exempt from Section 119.07, Florida Statutes.

3. With this filing, the Company has included a copy of the referenced data response in which the confidential information has been highlighted. Also, included with this filing are two redacted copies of Attachment E.

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 Attachment E of its response to FPSC Staff’s Third Set of Data Requests (No.14) be classified as “proprietary confidential business information,” exempt from Section 119.07, Florida Statutes.


RESPECTFULLY SUBMITTED this 11th day of April, 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, without the highlighted attachment, has been served upon the following by U.S. Mail this 11th Day of April, 2011:

| | |
|--|---|
| Pauline Evans, Staff Counsel Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 | 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 | Office of the Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400 |



Beth Keating
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215 South Monroe St., Suite 618
Tallahassee, FL 32301
(850) 521-1706

Docket No. 110041-EI
 Company's Responses to Third Set of Data Requests
 Attachment E - Response to Question 14

REDACTED

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|---------------------------|---------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|--------|
| Monthly Capacity Purchase | | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 |
| Capacity Rates | \$ 8.45 | \$ 8.70 | \$ 9.00 | \$ 9.50 | \$ 10.05 | \$ 10.55 | \$ 11.15 | \$ 11.70 | | |
| Monthly Capacity Cost | | \$ 852,112.80 | \$ 881,496.00 | \$ 930,468.00 | \$ 984,337.20 | \$ 1,033,309.20 | \$ 1,092,075.60 | \$ 1,145,944.80 | | |
| Annual Capacity Cost | | \$ 10,225,353.60 | \$ 10,577,952.00 | \$ 11,165,616.00 | \$ 11,812,046.40 | \$ 12,399,710.40 | \$ 13,104,907.20 | \$ 13,751,337.60 | | |

| | | | | | | | | | | |
|---------------------------|---------|-----------------|-----------------|------------------|------------------|------------------|------------------|------------------|--------|--------|
| Monthly Capacity Purchase | | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 |
| Capacity Rates | \$ 8.45 | \$ 8.70 | \$ 9.00 | \$ 9.50 | \$ 10.05 | \$ 10.55 | \$ 11.15 | \$ 11.70 | | |
| Monthly Capacity Cost | | \$ 791,700.00 | \$ 819,000.00 | \$ 864,500.00 | \$ 914,550.00 | \$ 960,050.00 | \$ 1,014,650.00 | \$ 1,064,700.00 | | |
| Annual Capacity Cost | | \$ 9,500,400.00 | \$ 9,828,000.00 | \$ 10,374,000.00 | \$ 10,974,600.00 | \$ 11,520,600.00 | \$ 12,175,800.00 | \$ 12,776,400.00 | | |

| | | | | | | | | | | |
|----------------|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--|--|
| Annual Savings | | \$ 724,953.60 | \$ 749,952.00 | \$ 791,616.00 | \$ 837,446.40 | \$ 879,110.40 | \$ 929,107.20 | \$ 974,937.60 | | |
|----------------|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--|--|

| | | | | | | | | | | |
|---------|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--|--|
| Rounded | | \$ 725,000.00 | \$ 750,000.00 | \$ 792,000.00 | \$ 837,000.00 | \$ 879,000.00 | \$ 929,000.00 | \$ 975,000.00 | | |
|---------|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--|--|

| | | | | | | | | | | |
|--|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | | \$ 326,250.00 | \$ 337,500.00 | \$ 356,400.00 | \$ 376,650.00 | \$ 395,550.00 | \$ 418,050.00 | \$ 438,750.00 | \$ 459,450.00 | \$ 480,150.00 |
|--|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|

Docket No. 110041-EI
 Company's Responses to Third Set of Data Requests
 Attachment E - Response to Question 14

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|---------------------------|---------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------------|---------------|
| Monthly Capacity Purchase | | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 | 97,944 |
| Capacity Rates | \$ 8.45 | \$ 8.70 | \$ 9.00 | \$ 9.50 | \$ 10.05 | \$ 10.55 | \$ 11.15 | \$ 11.70 | | |
| Monthly Capacity Cost | | \$ 852,112.80 | \$ 881,496.00 | \$ 930,468.00 | \$ 984,337.20 | \$ 1,033,309.20 | \$ 1,092,075.60 | \$ 1,145,944.80 | | |
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| Monthly Capacity Purchase | | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 | 91,000 |
| Capacity Rates | \$ 8.45 | \$ 8.70 | \$ 9.00 | \$ 9.50 | \$ 10.05 | \$ 10.55 | \$ 11.15 | \$ 11.70 | | |
| Monthly Capacity Cost | | \$ 791,700.00 | \$ 819,000.00 | \$ 864,500.00 | \$ 914,550.00 | \$ 960,050.00 | \$ 1,014,650.00 | \$ 1,064,700.00 | | |
| Annual Capacity Cost | | \$ 9,500,400.00 | \$ 9,828,000.00 | \$ 10,374,000.00 | \$ 10,974,600.00 | \$ 11,520,600.00 | \$ 12,175,800.00 | \$ 12,776,400.00 | | |
| Annual Savings | | \$ 724,953.60 | \$ 749,952.00 | \$ 791,616.00 | \$ 837,446.40 | \$ 879,110.40 | \$ 929,107.20 | \$ 974,937.60 | | |
| Rounded | | \$ 725,000.00 | \$ 750,000.00 | \$ 792,000.00 | \$ 837,000.00 | \$ 879,000.00 | \$ 929,000.00 | \$ 975,000.00 | | |
| | | \$ 326,250.00 | \$ 337,500.00 | \$ 356,400.00 | \$ 376,650.00 | \$ 395,550.00 | \$ 418,050.00 | \$ 438,750.00 | \$ 459,450.00 | \$ 480,150.00 |

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

**Beth Keating
215 S. 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 April 11, 2011, in the above-referenced docket.

Document Number 02408-11 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.