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

October 31, 2011

**BY HAND DELIVERY**

Ms. Ann Cole, 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 08011-11, which  
is in locked format. You must be  
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Re: Docket No. 110271-GP: Petition by Peninsula Pipeline Company for Approval of  
Agreement with Florida Public Utilities Company

Dear Ms. Cole:

Enclosed for filing, please find the original and 7 copies of Florida Public Utilities Request for Confidential Classification of information contained in its Responses to Staff's First Data Request, which are being submitted today. Also included, are one highlighted and two redacted copies of the information for which FPUC seeks confidential classification.

Thank you for your assistance with this filing. As always, please don't hesitate to contact me if you have any questions whatsoever.

Sincerely,

Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
(850) 521-1706

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Approval of Transportation )  
Service Agreement with Florida Public )  
Utilities Company by Peninsula Pipeline )  
Company, Inc. )

DOCKET NO. 110271-GP  
FILED: October 31, 2011

FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
IN ITS RESPONSES TO STAFF'S FIRST DATA REQUEST

Florida Public Utilities Company ("FPUC"), by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with Rule 25-22.006(4), Florida Administrative Code, hereby submits its Request for Confidential Classification of information contained in its Responses to Commission Staff's First Data Requests to the Company in the referenced Docket. In support of this Request, FPUC states that:

1. FPUC requests confidential classification of the highlighted rates and terms in the proposals to FPUC for extending service into Nassau County, which represent information provided in the context of a confidential bid process and contractual negotiations that both FPUC and the Companies that supplied offers treat as proprietary confidential business information consistent with the definition of that term in Section 366.093, Florida Statutes.
2. The information for which FPUC seeks confidential classification is information that the Company treats as confidential, and that 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

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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.

3. Specifically, FPUC seeks confidential classification of the following (lines/pages) of its Responses to Staff's First Data Requests:

Attachment A -

Column "Company", all lines (1-6); Column "Description of Project", all lines (1-6); Column "Upstream Pipeline", all lines (1-6); Column "Term", all lines (1-6); Column "MDTQ", all lines (1-6); Column "Maximum Hour (DT)", all lines (1-6); Column "Firm", all lines (1-6); Column "Annual Rate", all lines (1-6); Column "Upstream Capacity (DT)", all lines (1-6); Column "Upstream Capacity Rate", all lines (1-6); Column "Rank", all lines (1-6); as well as all information noted and highlighted below these columns in lines 7 – 16.

Attachment B –

All lines, all pages (1-6), with the exception of the names of the companies that submitted the bids.

4. The information set forth in these identified sections is highly proprietary competitive bid information that falls squarely under Section 366.093(3)(d) and (e), Florida Statutes. Release of the referenced information as a public record would harm FPUC's business operations and

ratepayers by impairing the Company's ability to effectively negotiate for goods and services. As such, FPUC requests that the Commission afford this information confidential treatment and exempt from Section 119.07, Florida Statutes. Included with this Request is a highlighted copy of the confidential attachments to FPUC's Data Responses. Also enclosed are two redacted copies of the same information.

6. 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 information, FPU respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPUC respectfully requests that the highlighted information contained in its Responses to Staff's First Data Requests be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 31st day of October, 2011.



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

*Attorneys for FPUC*