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March 13, 2012

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

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COMMISSION
CLERK

Docket No. 110271-GU - Petition by Peninsula Pipeline Company for Approval of Agreement with Florida Public Utilities Company

Docket No. 110277-GU - Application for approval of tariff revision to reflect service in Nassau and Okeechobee Counties, by Florida Public Utilities Company

Dear Ms. Cole:

Enclosed for filing, please find the original and 7 copies of Florida Public Utilities Company's Request for Confidentiality for information contained in its Responses to Staff's Second Data Request in the referenced dockets. Enclosed with this filing are one highlighted and two redacted copies of each document in accordance with Rule 25-22.006, F.A.C.

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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FPSC-COMMISSION CLERK

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-GU
Application for approval of tariff revision to reflect service in Nassau and Okeechobee Counties, by Florida Public Utilities Company)	DOCKET NO.	110277-GU
_____)	FILED:	MARCH 13, 2012

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 Second Data Request to the Company in the referenced Docket. In support of this Request, FPUC states that:

1. FPUC requests confidential classification of information pertaining to the 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 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 Response to Data Request No. 14 of Staff's Second Data Requests:

Attachment A -

Column "Company", all lines (1-7); Column "Description of Project", all lines (1-7);
Column "Upstream Pipeline", all lines (1-7); Column "Term", all lines (1-7);
Column "MDTQ", all lines (1-7); Column "Maximum Hour (DT)", all lines (1-7);
Column "Firm", all lines (1-7); Column "Annual Rate", all lines (1-7); Column
"Upstream Capacity (DT)", all lines (1-7); Column "Upstream Capacity Rate", all
lines (1-7); Column "Rank", all lines (1-7); as well as all information noted and
highlighted below these columns in lines 10 – 19.

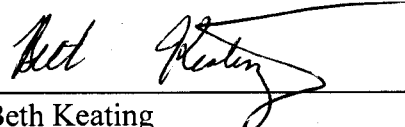
4. The information set forth in these identified sections is highly proprietary competitive bid information that falls squarely under Section 366.093(3)(d) and (e), Florida Statutes. Release of

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 Attachment A 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 Attachment A to its Response to Staff's Second Data Requests be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 13th day of March, 2012.

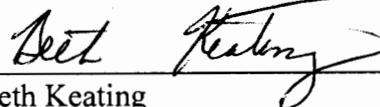

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(850) 521-1706

Attorneys for FPUC

CERTIFICATE OF SERVICE

I HEREBY ATTEST that a true and correct copy of the foregoing Request has been served upon the following by U.S. Mail this 13th Day of March, 2012, along with redacted copies of the referenced document:

Office of the Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400	Ms. Cheryl Martin, Director/Regulatory Affairs Florida Public Utilities Company 1641 Worthington Road, Suite 220 West Palm Beach, Fl 33409
Ansley Watson, Jr., Esquire Macfarlane Ferguson & McMullen P. O. Box 1531 Tampa, Florida 33601-1531 (813) 273-4321 aw@macfar.com	



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