



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** March 30, 2012  
**TO:** Pauline E. Robinson, Senior Attorney, Office of the General Counsel  
**FROM:** Victor Ma, Engineering Specialist I, Division of Regulatory Analysis  
**RE:** Confidential Document No. 01695-12, Docket 120058-EQ

RECEIVED-FPSC  
 12 MAR 30 PM 3:18  
 COMMISSION  
 CLERK

Florida Public Utilities Company (FPUC) has requested that certain information contained in its Negotiated Contract with Rayonier Performance Fibers, LLC (Rayonier), relating to competitively negotiated contractual data such as rates, terms, and conditions of the Negotiated Contract be kept confidential.

FPUC requests confidentiality under Subsection 366.093(3), Florida Statutes (F.S.), which states:

(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.

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FPSC-COMMISSION CLERK

Staff has reviewed FPUC's confidentiality request. In staff's opinion, the request does meet the criteria for confidentiality contained in Subsection 366.093(3)(d), F.S. and Subsection 366.093(3)(e), F.S. Therefore, staff recommends that the request for confidentiality of certain information included in Document No. 01695-12 be approved.