

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of a negotiated renewable energy power purchase contract for power purchased with Rayonier Performance Fibers, LLC, by Florida Public Utilities Company.

DOCKET NO. 120058-EQ
ORDER NO. PSC-12-0180-CFO-EQ
ISSUED: April 5, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

ORDER GRANTING FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 01695-12)

BY THE COMMISSION:

On March 21, 2012, Florida Public Utilities Company (FPUC) requested confidential classification of information contained in its Negotiated Contract with Rayonier Performance Fibers, LLC, (Rayonier) as well as Appendices E and F to the contract. FPUC also requested confidential classification of its Attachment B to the referenced Petition for Approval of the negotiated contract to the extent that Attachment B includes contract information for which FPUC requested confidential classification above. The justification for the confidential classification of the information is attached hereto and incorporated herein as Attachment A (Document No. 01695-12).

FPUC stated that the information met the definition of "proprietary confidential business information" pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(4), Florida Administrative Code (F.A.C.), in that: (1) the information represents data provided in the context of confidential contractual negotiations and concerns bids or other contractual data; (2) the information includes terms and rates, which if publicly disclosed could be detrimental to FPUC and Rayonier's business operations; and (3) FPUC and Rayonier treat the information as proprietary confidential business information and the information has not been publicly disclosed.

We have jurisdiction over this matter pursuant to Section 366.093, F.S., and Rule 25-22.006(4), F.A.C.

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FPSC-COMMISSION CLERK

Pursuant to Section 366.093(1), F.S., information that this Commission finds to be proprietary confidential business information must be kept confidential and exempt from Section 119.07(1) [the Public Records Act]. Proprietary confidential business information is defined as information that: (1) is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and (2) has not been voluntarily disclosed to the public. Pursuant to Section 366.093 F.S., proprietary confidential business information includes, but is not limited to, information relating to bids, other contractual data, or competitive interests, the disclosure of which will prove detrimental to the utility's business operations or ratepayers.

I find that the information described in Attachment A to this Order satisfies the criteria set forth in Section 366.093, F.S., for classification as proprietary confidential business information. The information relates to bids, other contractual data, and competitive interests, and public disclosure of this information will be detrimental to FPUC and its affiliates' business operations and ratepayers. Therefore, I find it appropriate to grant FPUC's request for confidential classification of the information described in Attachment A (Document No. 01695-12).

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FPUC or another affected person shows, and this Commission finds, that the information continues to be proprietary confidential business information.

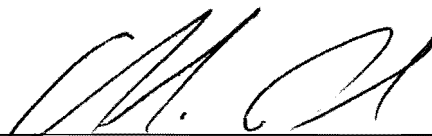
Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Florida Public Utilities Company's Request for Confidential Classification of the information contained in its Negotiated Contract with Rayonier Performance Fibers, LLC, its Appendices E and F to the contract, and its Attachment B to the referenced Petition for Approval (Document No. 01695-12), which is identified in Attachment A, is granted. It is further

ORDERED that the confidentiality granted to the information specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 5th day of April, 2012.



EDUARDO E. BALBIS

Commissioner and Prehearing Officer

Florida Public Service Commission

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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

PER

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

FPUC's description of information requiring confidential classification

<u>Contract Page</u>	<u>Line/Section</u>	<u>Rationale</u>
Page 9, paragraph 2(d)	\$/MWh amount in line 3	Includes specific contractual information pertaining to pricing, the disclosure of which would impair FPUC's future efforts to negotiate and contract for goods and services on reasonable terms and conditions.
Page 18, paragraph 10.2(b)	All numbers in all lines of charts below line 8	Includes specific contractual information pertaining to pricing, the disclosure of which would impair FPUC's future efforts to negotiate and contract for goods and services on reasonable terms and conditions.
Page 19, paragraph 10.4(a)	Highlighted numbers in lines 2 and 5, identifying percentage of Committed Capacity associated with Service Guarantee	Includes specific contractual information regarding service terms, the disclosure of which would impair FPUC's future efforts to negotiate and contract for goods and services on reasonable terms and conditions. Likewise, disclosure of this information could impact Rayonier's competitive interests, and as such, is treated by Rayonier as confidential.
Pages 22-23	Section 11	Disclosure of this information could adversely impact Rayonier's competitive interests, and provide competitors with information by which they could gain unfair advantage in the market. As such, this information is treated by

<u>Contract Page</u>	<u>Line/Section</u>	<u>Rationale</u>
		Rayonier as confidential. Moreover, the specifics of Section 11 include detailed contractual terms, the disclosure of which could impair FPUC's ability in the future to negotiate favorable terms for similar arrangements.
Pages 33-34	Section 32	Disclosure of this information could adversely impact Rayonier's competitive interests, and as such, is treated by Rayonier as confidential. Moreover, the specifics of Section 32 include detailed contractual terms, the disclosure of which could impair FPUC's ability in the future to negotiate favorable terms for similar arrangements.
Appendix E	Highlighted numbers and equations in each example A - C on pages 3 - 8 of Appendix	Includes specific identifying information concerning pricing and pricing methodology by which one could extrapolate the actual pricing in the contract, the disclosure of which would impair FPUC's future efforts to negotiate and contract for goods and services on reasonable terms and conditions.
Appendix F	Last two highlighted charts at the end of the Appendix F	Includes information concerning pricing and pricing methodology, the disclosure of which would impair FPUC's future efforts to negotiate and contract for goods and services on reasonable terms and conditions.
Petition for Approval of Contract, Attachment B	Highlighted numbers in Columns Year 2012 through	Includes information concerning pricing and pricing

<u>Contract Page</u>	<u>Line/Section</u>	<u>Rationale</u>
	Year 2022, all rows for Projected Cost and Projected Annual Savings	methodology, the disclosure of which would impair FPUC's future efforts to negotiate and contract for goods and services on reasonable terms and conditions.