

Eric Fryson

From: Keating, Beth [BKeating@gunster.com]
Sent: Wednesday, April 25, 2012 12:17 PM
To: Filings@psc.state.fl.us
Cc: 'Martin Cheryl'; 'Ansley Watson, JR.'; 'asocarras@fpuc.com'; 'Norman H. Horton, Jr.'; 'J.R. Kelly'; 'christensen.patty@leg.state.fl.us'; 'Paula K. Brown'; 'sshoaf@stjoenaturalgas.com'; 'Jerry H. Melendy, Jr.'; 'Elizabeth Wade'; 'Brian Sulmonetti'; 'Christina Robinson'; Jennifer Crawford; Pauline Robinson; Carolyn Bermudez
Subject: Docket No. 120004
Attachments: 20120425121357533.pdf

Attached for electronic filing, please find the Florida Public Utilities Company's Request for Extension of Confidential Classification

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 S. Monroe St., Suite 601
Tallahassee, FL 32301
bkeating@gunster.com
Direct Line: (850) 521-1706

a. Person responsible for this electronic filing:

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 S. Monroe St., Suite 601
Tallahassee, FL 32301
bkeating@gunster.com
Direct Line: (850) 521-1706

b. Docket No. 120004-GU - In re: Natural Gas Conservation Cost Recovery.

c. On behalf of: Florida Public Utilities Company

d. There are a total of pages: 5

e. Description: Request for Extension of Confidential Classification



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS
Beth Keating | Attorney
Governmental Affairs
215 S. Monroe Street, Suite 601
Tallahassee, FL 32301
P 850-521-1706 C 850-591-9228
gunster.com | [View my bio](#)

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230,

DOCUMENT NUMBER: 120004
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FPSC-COMMISSION CLERK

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

April 25, 2012

ELECTRONIC FILING – FILINGS@PSC.STATE.FL.US

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
05253-10
For DN **04815-10**, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 120004-GU – **Natural Gas Conservation Cost Recovery.**

Dear Ms. Cole:

Attached for electronic filing, please find Florida Public Utilities Company's Request for Extension of Confidential Classification previously granted by Order No. PSC-10-0677-CFO-GU to material provided in connection with Conservation Clause Audit No. 09-350-4-4 (referenced Document Nos. 04815-10 and 05253-10).

Thank you for your assistance with this filing. If you have any questions, please do not hesitate to contact me.

Sincerely,

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

COM _____
APA _____
ECR _____
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cc: Parties of Record

DOCUMENT NUMBER-DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Natural Gas Conservation)
Cost Recovery)
_____)

Docket No. 120004-GU

Filed: April 25, 2012

**FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION**

Florida Public Utilities Company ("FPUC" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby submits this Request for Extension of Confidential Classification previously granted to certain material (Document Nos. 04185-10 and 05253-10) that was provided to the Florida Public Service Commission ("Commission," "PSC," or "Staff") and contained in Volume 3 of 3 of the audit workpapers associated with FPUC's Natural Gas Conservation Clause Audit, Audit No. 09-350-4-4). In support of this Request, FPUC states as follows:

1. By Order No. PSC-10-0677-CFO-GU, issued November 12, 2010, in Docket No. 100004-GU, the Commission granted FPUC's request for confidential treatment of the information included in the referenced documents for a period of 18 months. By the terms of the Commission's Order, the confidential treatment afforded this information is set to expire on May 12, 2012, unless an extension is granted. By this Request, FPUC seeks an extension of the confidential classification previously granted by Order No. PSC-10-0677-CFO-GU.

2. Subsection 366.093(1), Florida Statutes, provides that upon request, records received by the Commission which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)."

3. "Proprietary confidential business information" is defined as meaning "information, regardless of form or characteristics, which is owned or controlled by the ...

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FPUC Request for Extension of Confidential Treatment

company, is intended to be and is treated by the ... company as private in that the disclosure of the information would cause harm to the ratepayers or the 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." Section 366.093(3), Florida Statutes.

4. Proprietary confidential business information includes, but is not limited to, information concerning:

- (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.

Section 366.093(3), Florida Statutes.

5. The confidential portions of the information provided to, and retained by, the Commission fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. The audit workpapers contain information, including specific account information and employee compensation information, which has been treated by FPUC as highly confidential and has not been publicly disclosed. This information, if disclosed, would impair the efforts of FPUC to compete for services, as well as its ability to attract and retain qualified employees. The information therein is therefore proprietary

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FPUC Request for Extension of Confidential Treatment

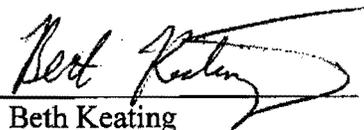
confidential business information and is entitled to continued and ongoing protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

6. Specifically, FPUC seeks continued confidential treatment of Volume 3 of 3 of the Audit Workpapers (WP 45-4: Payroll Adjustment), in their entirety, which consists of 4 pages total, excluding the non-confidential cover page. FPUC further incorporates by reference the highlighted and redacted exhibits attached to its June 24, 2010, Request for Confidentiality. The information in question includes specific payroll allocations and payout amounts associated with a specific employee.

7. Pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code, FPUC requests that the information described above as proprietary confidential business information be protected from disclosure for an additional period of at least 18 months and asks that all information be returned to the Company as soon as the information is no longer necessary for the Commission to conduct its business.

Respectfully submitted this 25th day of April, 2012.

By:



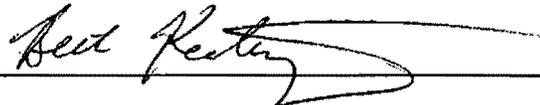
Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

Attorneys for Florida Public Utilities Company

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing in Docket No. 120004-GU has been furnished by Electronic Mail to the following parties of record this 25th day of April 2012:

Florida Public Utilities Company Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409-6703	MacFarlane Ferguson Law Firm Ansley Watson, Jr. P.O. Box 1531 Tampa, FL 33601-1531
Messer Law Firm Norman H. Horton, Jr. P.O. Box 15579 Tallahassee, FL 32317	Office of Public Counsel J.R. Kelly/Patricia Christensen c/o The Florida Legislature 111 West Madison Street Room 812 Tallahassee, FL 32399-1400
Peoples Gas System Paula Brown P.O. Box 111 Tampa, FL 33601-0111	St. Joe Natural Gas Company, Inc. Mr. Stuart L. Shoaf P.O. Box 549 Port St. Joe, FL 32457-0549
Sebring Gas System, Inc. Jerry H. Melendy, Jr. 3515 U.S. Highway 27 South Sebring, FL 33870	AGL Resources Inc. Elizabeth Wade/Brian Sulmonetti Ten Peachtree Place Location 1470 Atlanta, GA 30309
Florida City Gas Carolyn Bermudez 933 East 25 th Street Hialeah, FL 33013-3498-	Jennifer Crawford/Pauline Robinson Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399
Florida Division of Chesapeake Utilities Corporation Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409-6703	



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Gunster, Yoakley & Stewart, P.A.
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