



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: 5/25/12
TO: Division of Regulatory Analysis, Office of Primary Responsibility
FROM: Office of Commission Clerk
RE: CONFIDENTIALITY OF CERTAIN INFORMATION

Docket No(s): 120058-EQ Document No(s): 03358-12

Description: FPUC (Keating) - (CONFIDENTIAL) Information contained in second revised Attachment B, on peak/off peak and related pricing numbers on the last sheet of revised (reformatted) Appendix F, and all highlighted numbers contained the Excel spreadsheets included on CD submitted in response to staff's follow-up questions presented at 5/18 conference addressing initial responses to staff's first data requests

Source: Florida Public Utilities Company

RECEIVED-FPSC
12 JUN 13 PM 3:18
COMMISSION
CLERK

The above-referenced confidential material was filed along with a request for confidential classification of information. Please check all applicable information and forward a copy to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation. Copies of your recommendation should also be filed with the Office of Commission Clerk and the Office of General Counsel.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (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 information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by [Signature] on 6/11/2012. I have provided one copy of the full recommendation to the Office of General Counsel and two copies to the Office of Commission Clerk for the docket file and processing of the confidential material.

03856 JUN 13 2012
FPSC-COMMISSION CLERK



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

DATE: June 13, 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. 003358-12, Docket 120058-EQ

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 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.

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. 03358-12 be approved.

In its first request for confidentiality filed on May 4, 2012, FPUC listed its Net Present Value Savings as confidential in Document No 02875-12, a portion of its response to Staff's Data Request. In the revised response and request for confidential classification filed on May 25, 2012, FPUC provided additional information in Document No. 03358-12, but no longer requires confidential treatment for its Net Present Value Savings in Attachment B as filed on May 4, 2012. Therefore staff is approving FPUC's initial request for confidentiality and its revised request for confidential exclusive of the Net Present Value Savings in Attachment B.