



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: 8/23/12

TO: Division of Accounting & Finance, Office of Primary Responsibility

FROM: Office of Commission Clerk

RE: CONFIDENTIALITY OF CERTAIN INFORMATION
 Docket No(s): 120220-PU Document No(s): 05459-12
 Description: FPUC; Chesapeake (Keating) - (CONFIDENTIAL) Forecasted earnings surveillance reports, required by Rules 25-6.1353 and 25-7.1353, FAC.
 Source: Florida Public Utilities Company; Florida Division of Chesapeake Utilities Corporation

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12 AUG 28 PM 4: 18
COMMISSION CLERK

The above-referenced confidential material was filed along with a [joint] request for confidential classification. 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 JOHN SLEMKEWICZ on 8-27-12. 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.

DOCUMENT NUMBER-DATE
05878 AUG 28 12
FPSC-COMMISSION CLERK



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

DATE: August 21, 2012
TO: Kathryn Cowdery, Senior Attorney, Office of the General Counsel
FROM: John Slemkewicz, Public Utilities Supervisor, Division of Accounting & Finance JS
RE: Docket No. 120220-PU, Confidentiality Request for 2012 Forecasted Earnings Surveillance Report by Florida Public Utilities Company

Rule 25-6.1353, Florida Administrative Code (F.A.C.), and Rule 25-7.1353, F.A.C., require that certain investor-owned electric and natural gas utilities file a forecasted earnings surveillance report (FESR). This filing, made by March 1st of each year, contains forecasted financial information for that calendar year. Florida Public Utilities Company (FPUC) has filed FESRs for its electric division and its gas divisions containing forecasted information for 2012 under a request for confidentiality. FPUC has been filing this information on an annual basis since 1994. A previous request for confidentiality for its 2006 FESRs was denied in Order No. PSC-06-0497-CFO-PU.¹

Pursuant to the requirements of the rules, Florida Power & Light Company, Gulf Power Company, Progress Energy Florida, Inc., Tampa Electric Company, Florida City Gas and Peoples Gas System have filed FESRs containing forecasted information for 2012. None of these utilities has requested confidential treatment for their 2012 FESRs.

FPUC claims that the information contained in the FESR schedules is proprietary business information as defined by Section 366.093(3)(a) and (e), Florida Statutes. These two sections concern trade secrets and information relating to competitive interests. The information contained in the FESR schedules is highly summarized by broad categories. In this instance, staff is unable to ascertain how the information presented in the FESR, even if more detailed, could possibly reveal any trade secrets. In addition, the staff believes that the disclosure of the highly summarized information does not provide sufficient detail to harm the competitive interests of FPUC. Staff would note that the data required to be disclosed in the FESRs has not changed since the rules were adopted in 1994.

In its request, FPUC referred to Florida Power & Light Company's (FPL) request for confidential treatment of its 2010 FESR filed in Docket No. 080677-EI and staff's recommendation to approve that request. Staff would note that there is a significant difference between the circumstances of the two requests. The primary basis of FPL's

¹ See: Order No. PSC-06-0497, issued June 8, 2006, in Docket No. 060291-PU, In re: Request for confidential treatment of electric and gas forecasted earnings surveillance reports, by Florida Public Utilities Company.

August 21, 2012

request was the provisional, and possible misleading, nature of the FESR pending the Commission's final determination on either the Motions for Reconsideration or the proposed Stipulation in its rate case in Docket No. 080677-EI. Staff's proposed approval of the request was based on the fact that, until a final determination was rendered in the rate case, FPL could not appropriately forecast its earnings for 2010. In addition, FPL had committed to filing its FESR within 30 days of the Commission's final decision. FPL subsequently withdrew its request and filed its 2010 FESR to facilitate the Commission's review of the Stipulation. In the instant matter, FPUC is not involved in any pending rate cases that could affect the data presented in its FESR.

Staff recommends denial of FPUC's request for the confidential treatment of its 2012 electric and natural gas utilities' Forecasted Earnings Surveillance Reports.

cc: Marshall Willis
Andrew Maurey
Shari Cornelius