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October 22, 2012

BY HAND DELIVERY

Ms. Ann Cole, 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

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COMMISSION
CLERK

Re: Petition for Approval to Modify Approved Demonstration Project Consisting of Proposed Time of Use and Interruptible Rate Schedules and Corresponding Fuel Rates by Florida Public Utilities Company

Dear Ms. Cole:

Enclosed for filing, please find the original and 7 copies of the Florida Public Utilities Company's Request for Confidential Treatment of specified information in Attachment B to its Petition for Approval to Modify Approved Demonstration Project Consisting of Proposed Time of Use and Interruptible Rate Schedules and Corresponding Fuel Rates. Accompanying this Request are one highlighted copy and two redacted copies of the referenced Attachment B, consistent with Rule 25-22.006, Florida Administrative Code.

Should you have any questions whatsoever, please do not hesitate to contact me. Thank you for your assistance in this matter.

Sincerely,

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

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Public Utilities Company’s Petition for) Docket No.
Approval to Modify Demonstration Project consisting) Filed: October 22, 2012
of proposed Time-of-Use and Interruptible rate schedules)
and corresponding fuel rates in the Northwest Division)
_____)

Request for Confidentiality

Florida Public Utilities Company (“Company” or “FPUC”), pursuant to Section 366.093, Florida Statutes, and in accordance with Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of information contained in Attachment B to its Petition in this Docket. In support thereof, FPUC hereby states that:

1. In conjunction with this Request for Confidentiality, FPUC has also submitted, under separate cover, a Petition seeking Commission approval to modify the Company’s existing demonstration project of Time-of-Use and Interruptible rate schedules applicable to the Company’s Northwest (Marianna) division.

2. Attachment B to the referenced Petition contains an Excel spreadsheet reflecting the savings calculations supporting FPUC’s proposed modifications.

3. Certain information and numbers contained in that Attachment B relate to information in Amendment No. 1 to FPUC’s underlying Agreement for Generation Services with Gulf Power Company. If these numbers were made public, they could be used by others, including competitors, to calculate certain contractual information that both FPUC and Gulf Power consider to be highly confidential, proprietary business information, and which, at this time, has not otherwise been made public in any forum. Specifically, all of the numbers and amounts in all columns of the following rows in Attachment B are considered proprietary,

confidential, business information: “Projected Total Savings in 2013” (all columns); “Percentage to Experimental Rates” (all columns); “Target Savings” (all columns); “Percentage to Customer Class” (all columns); and “Target Customer Class Annual Savings” (all columns). Release of this information would allow competitors to easily derive confidential contract terms. Moreover, public disclosure of this information would be detrimental to both FPUC and to Gulf Power, as well their customers, and would impair each parties’ ability to negotiate with other suppliers on favorable terms. Consequently, the information in the identified rows and columns of Attachment B meets the definition of “proprietary confidential business information” as set forth in Section 366.093(3), Florida Statutes, which provides:

(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.

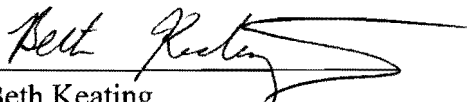
FPUC therefore asks that the specified information in Attachment B (identified rows, all columns) be afforded confidential classification, and deemed exempt from Section 119.07, Florida Statutes.

4. Included with this filing are two redacted copies of Attachment B, along with one highlighted copy. The Company notes that only the information highlighted in yellow is information that the Company considers to be proprietary, confidential business information. Numbers highlighted in green are highlighted only for purposes of emphasizing an exception reflected in the document.

5. FPUC therefore asks that confidential classification be granted for a period of at least 18 months. Should the Commission find that it no longer needs to retain the document, FPUC respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPUC respectfully requests that the highlighted information contained in Attachment B of its Petition for Approval to Modify Demonstration Project be classified as “proprietary confidential business information,” exempt from Section 119.07, Florida Statutes.

Respectfully submitted this 22nd day of October, 2012.



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Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been service via U.S. Mail (redacted version only) this 22nd day of October, 2012, on the following:

Frank E. Bondurant, City Attorney Bondurant and Fuqua, P.A. 4450 Lafayette St. P.O. Box 1508 Marianna, FL 32447	Robert Scheffel Wright Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308
	Office of the Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400

By: 
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