

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

April 9, 2013

**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

For DN 01818-13, which is in locked storage. You must be authorized to view this DN.-CLK

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COMMISSION CLERK


**Re: Docket 120313 -- Petition for approval of transportation service agreement with Florida Public Utilities Company, by Peninsula Pipeline Company, Inc.**

Dear Ms. Cole:

Enclosed for filing, please find the original and 7 copies of Florida Public Utilities Company's Request for Confidential Classification. Also included are one highlighted and two redacted copies of the subject confidential materials submitted in accordance with Rule 25-22.006, F.A.C.

Thank you for your assistance with this filing. As always, please don't hesitate to contact me if you have any questions whatsoever.

Sincerely,



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

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01817 APR-9 2

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Approval of Transportation )  
Service Agreement with Florida Public ) DOCKET NO. 120313-GP  
Utilities Company, by Peninsula Pipeline )  
Company, Inc. ) FILED: April 9, 2013

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

Florida Public Utilities Company ("FPUC" or "Company") by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with Rule 25-22.006(4), Florida Administrative Code, hereby submits its Request for Confidential Classification for information contained in its Responses to the Third Data Request from Commission Staff. In support thereof, FPUC hereby states:

1. FPUC seeks confidential classification of the highlighted rates and terms in the Company's Data Responses, which represent contractual information that both Peninsula and FPUC treat as proprietary confidential business information consistent with the definition of that term in Section 366.093, Florida Statutes, as well as cost information that FPUC also considers proprietary confidential business information.

2. The information for which FPUC seeks confidential classification is information that the Company and Peninsula both treat as confidential, and that 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

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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.

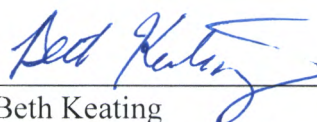
3. Specifically, FPUC seeks confidential classification of the highlighted information in its Responses to Data Requests 2 and 5, as well as information in Attachments 2.0, 2.2, 2.3, and 2.4, as more specifically set forth in Exhibit A to this Petition. Release of the referenced information as a public record would harm FPUC's business operations and ratepayers by impairing the Company's ability to effectively negotiate for goods and services. It would also impair the Company's competitive interests by disclosing sensitive system information and strategic market development information, which could ultimately be used to unfair advantage by a competitor or entities with whom the Company contracts for services. As such, FPUC requests that the Commission protect this information consistent with Rule 25-22.006, Florida Administrative Code.

4. Included with this Request is a highlighted copy of the Company's Responses to Staff's Third Data Request, including the referenced confidential attachments, reflecting the confidential information. Also enclosed are two redacted copies of the confidential documents.

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

WHEREFORE, FPUC respectfully requests that the highlighted information contained in its Responses to the Third Data Requests from Commission Staff be classified as “proprietary confidential business information,” and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 9th day of April, 2013.



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

**CERTIFICATE OF SERVICE**

I HEREBY ATTEST that a true and correct copy of the foregoing Request for Confidential Classification has been served upon the following by U.S. Mail this 9th Day of April, 2013:

Office of the Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400	Keino Young, Staff Counsel Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850



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

EXHIBIT A

<u>Page/Attachment</u>	<u>Line</u>	<u>Column or Paragraph</u>	<u>Rationale</u>
Page 1, Response to Data Request ("DR") 2	29	2(a)	Sensitive information regarding FPUC's specific system requirements, the disclosure of which could impair FPUC's competitive interests by providing competitors and entities with whom FPUC contracts with information that could be used to unfair advantage
Page 2, Response to DR 2 (continued)	Lines 1, 2, 31, 40	1, 4, and 5	Sensitive information regarding FPUC's specific system requirements, the disclosure of which could impair FPUC's competitive interests by providing competitors and entities with whom FPUC contracts with information that could be used to unfair advantage
Page 2, Response to DR 2 (continued)	Lines 3, 21, 22, 33, 39	1, 3, 4, 5	Cost information and contractual pricing information treated by both FPUC and Peninsula as highly confidential, the disclosure of which could impair the Company's ability to contract for goods and services

<u>Page/Attachment</u>	<u>Line</u>	<u>Column or Paragraph</u>	<u>Rationale</u>
Page 4, Response to DR 5(b)	2	1	Cost information treated by FPUC as highly confidential, the disclosure of which could impair the Company's ability to contract for goods and services
Attachment 2.0	"PPC" and "New Total"	"April," "May-Sept," "October," and "Nov-March"	Sensitive information regarding FPUC's specific system requirements, the disclosure of which could impair FPUC's competitive interests by providing competitors and entities with whom FPUC contracts with information that could be used to unfair advantage
Attachment 2.2, Page 1 of 3 and 2 of 3	All Lines	"Projected Rate Base"	Cost information and sensitive information regarding FPUC's specific system requirements treated by FPUC as highly confidential, the disclosure of which could impair the Company's ability to contract for goods and services
Attachment 2.2, Page 3 of 3	The 2 lines following each of the headers: "City Gate Station Depr Rate," "Mains-Steel Depr Rate," "M&R Station – General Depr Rate,"	All Columns	Cost information and sensitive internal accounting information regarding FPUC treated by FPUC as highly confidential, the

<u>Page/Attachment</u>	<u>Line</u>	<u>Column or Paragraph</u>	<u>Rationale</u>
	“Services Depr Rate,” and “Total”		disclosure of which could impair the Company’s ability to contract for goods and services
Attachment 2.3, Page 1 of 3 and 2 of 3	All Lines	“Projected Rate Base”	Cost information and sensitive information regarding FPUC’s specific system requirements treated by FPUC as highly confidential, the disclosure of which could impair the Company’s ability to contract for goods and services
Attachment 2.3, Page 3 of 3	The 2 lines following each of the headers: “City Gate Station Depr Rate,” “Mains-Steel Depr Rate,” “M&R Station – General Depr Rate,” “Services Depr Rate,” “Total”/“Depr Exp A/D”	All Columns	Cost information and sensitive internal accounting information regarding FPUC treated by FPUC as highly confidential, the disclosure of which could impair the Company’s ability to contract for goods and services
Attachment 2.4	1 (Option 1) and 4 (Option 4)	“New Lateral Capacity (Dt/Day)”	Sensitive information regarding FPUC’s specific system requirements, the disclosure of which could impair FPUC’s competitive interests by providing competitors and entities with whom FPUC contracts with



<u>Page/Attachment</u>	<u>Line</u>	<u>Column or Paragraph</u>	<u>Rationale</u>
			information that could be used to unfair advantage
Attachment 2.4	1 - 4 (Option 1, Option 2, Option 3, and Option 4)	"Capital Costs" and "Annual Cost of Service"	Cost information and contractual pricing information treated by both FPUC and Peninsula as highly confidential, the disclosure of which could impair the Company's ability to contract for goods and services