



Writer's E-Mail Address: bkeating@gunster.com

June 9, 2014

BY HAND DELIVERY

Ms. Carlotta Stauffer
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED-FPSC
14 JUN -9 PM 3:58
COMMISSION
CLERK

Re: Docket No. 140025-EI -Application for rate increase by Florida Public Utilities Company.

Dear Ms. Stauffer:

Enclosed for filing, please find the original and seven copies of Florida Public Utilities Company's Request for Confidential Classification and Motion for Temporary Protective Order in the referenced proceeding with regard to the Company's response to Citizen's Second Requests for Production of Documents, No. 56. Also enclosed is the confidential material on a CD. FPU asks that the referenced CD be treated as confidential in its entirety.

Please do not hesitate to contact me if you have any questions whatsoever regarding this filing.

Sincerely,

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

Cc:/Service List (Docket 140025-EI)

COM	_____
AFD	1
APA	1
ECO	3
ENG	1
GCL	1
IDM	_____
TEL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: **Application for rate increase by Florida Public Utilities Company.**

DOCKET NO. 140025-EI

DATED: June 9, 2014

REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR A TEMPORARY PROTECTIVE ORDER

Florida Public Utilities Company (“FPU” or “Company”), by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with the provisions of Rule 25-22.006(4) and 25-22.006(6)(c), Florida Administrative Code, hereby submits its Request for Confidential Classification and for Issuance of a Temporary Protective Order to protect information provided in the Company’s responses to the Second Requests for Production of Documents served upon FPU by the Office of Public Counsel (“OPC”). Confidential information submitted in response to OPC’s Production of Documents Request No. 56 is deemed by the Company to be confidential in its entirety and has been provided on a separate CD labeled “Confidential.” The Company asks therefore that the referenced “Confidential” CD be treated as confidential in its entirety. In support of this Request, FPU states that:

1. On April 28, 2014, FPU filed its Petition for Approval of a Rate Increase and Request for Interim Increase, along with the requisite MFRs.
2. On May 8, 2014, the OPC served FPU with its Second Set of Interrogatories (Nos. 36 - 55) and Second Requests for Production of Documents (Nos. 42 - 58) in this proceeding.

3. The Company's response to OPC's Production Request No. 56 includes a document that FPU treats as confidential information, the disclosure of which could be harmful to the Company's business operations, as well its ratepayers.
4. The information at issue is, as noted, considered proprietary confidential business information and has not otherwise been disclosed publicly. It involves information relating to FPU's competitive interests, including specific employee information, which if disclosed, could impair the Company's ability to retain qualified personnel in key positions and thus harm the Company's operations and its ratepayers.
5. The information for which FPU seeks confidential classification is information 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 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.

6. Specifically, FPUC seeks confidential classification and a Protective Order for all information in the referenced responses, as set forth below:

Response	Document	Rationale
OPC Production Request 56	Compensation Analysis Performed by Frederic W. Cooke & Co., Inc., dated December 13, 2013/ all 22 pages of the document	Competitively sensitive information, the disclosure of which could impair the Company's market position, as well as its ability to compete for and retain qualified employees and executives, as well as highly sensitive, contractual agreement and employment terms, including information regarding specific terms applicable to Performance Sharing awards of shares of common stock, the disclosure of which would impair the Company's market position, as well as its ability to compete for and retain qualified employees


7. The information set forth in these identified sections is proprietary contractual information that falls squarely under Section 366.093(3)(b), (d), and (e), Florida Statutes. Release of the identified employee information could impair FPU's ability to retain certain key personnel and provide competitors and unfair advantage in attracting qualified employees. As such, FPU requests that the Commission afford this information confidential treatment and exempt from Section 119.07, Florida Statutes. Included with this Request is a CD containing the confidential document.

8. FPU further requests that the Commission issue a protective order, in accordance with Rule 25-22.006(6), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel, which is a party to this proceeding.
9. FPU asks that confidential classification be granted for a period of at least 18 months. Should the Commission or the Office of Public Counsel no longer find that it needs to retain the information, FPU respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPUC respectfully requests:

- 1) that the information contained in the enclosed CD, which is the confidential response to OPC's Second Production Request No. 56, be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes; and
- 2) that a temporary protective order be issued protecting this information from public disclosure while in the possession of the Office of Public Counsel.

RESPECTFULLY SUBMITTED this 9th day of June, 2014.



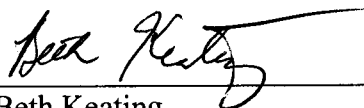
Beth Keating
Bar NO. 0022756
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 618
Tallahassee, FL 32301
(850) 521-1706

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing filing has been served by Hand Delivery this 9th day of June, 2014, upon the following:

Suzanne Brownless, Esquire
Martha Barrera, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Patricia A. Christensen, Esquire
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Rm 812
Tallahassee, FL 32399-1400

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