



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

June 11, 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 11 PM 1:59
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 for information provided in response to the First Set of Interrogatories and First Requests for Production served on the Company by the FPSC Staff in the referenced proceeding. Also enclosed are 2 CDs which contain the subject confidential material. FPU asks that the referenced "Confidential 1" and "Confidential 2" be treated as confidential in their 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

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

Cc:/Service List (Docket 140025-EI)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 140025-EI

DATED: June 11, 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 First Set of Interrogatories and First Requests for Production of Documents served upon FPU by the Staff of the Florida Public Service Commission (“Staff”). Confidential information submitted in response to Staff’s Interrogatory Nos. 19 and 21, as well as Staff’s Production of Documents Request Nos. 4 and 7, are deemed by the Company to be confidential in their entirety and have been provided on a separate CDs labeled “Confidential 1” and “Confidential 2.” The Company asks therefore that the referenced “Confidential” CDs be treated as confidential in their 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 12, 2014, the Staff served FPU with its First Set of Interrogatories (Nos. 1 - 29) and First Requests for Production of Documents (Nos. 1 - 9) in this proceeding.
3. The Company’s responses to Staff’s Interrogatories Nos. 19 and 21, as well as Production Request Nos. 4 and 7, include documentation 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
Staff Interrogatory No. 19 (2 page Attachment)	Customer Service Positions – Electric Allocation	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.
Staff Interrogatory No. 21 (one page Attachment)	Charts reflecting Assistant Operation Managers promoted from Line Operation Supervisors and promotions of two Assistant Operation Managers to Operation Managers (Redacted hard copy provided)	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.
Staff Production Request No. 4	4(a) – AGA 2012 Compensation Survey/ all 516 pages	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. In addition, this document is subject to confidentiality provisions applicable to AGA and its members. AGA and its members treat this document and confidential, and disclosure could harm not only FPU, but other AGA members, as well, who provided relevant information for this survey.

Response	Document	Rationale
<p>Staff Production Request No. 4</p>	<p>4(b) – AGA 2013 Compensation Survey/ all 520 pages</p>	<p>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. In addition, this document is subject to confidentiality provisions applicable to AGA and its members. AGA and its members treat this document and confidential, and disclosure could harm not only FPU, but other AGA members, as well, who provided relevant information for this survey.</p>
<p>Staff Production Request No. 4</p>	<p>4(c) – CompData Surveys – Utilities 2012 Pre-Run Job Reports/ 1185 pages</p>	<p>Competitively sensitive information, the disclosure of which could impair the Company’s market position. In addition, this document is subject to strict licensing restrictions, which prohibit distribution and use for any purpose other than the internal use by the Licensee. Disclosure of this document outside the Company, without confidential protections, could put the Company at risk of breach of the licensing agreement.</p>

Response	Document	Rationale
Staff Production Request No. 4	4(d) – CompData Surveys – Utilities 2013 Pre-Run Job Reports/ 1328 pages	Competitively sensitive information, the disclosure of which could impair the Company’s market position. In addition, this document is subject to strict licensing restrictions, which prohibit distribution and use for any purpose other than the internal use by the Licensee. Disclosure of this document outside the Company, without confidential protections, could put the Company at risk of breach of the licensing agreement.
Staff Production Request No. 7	7(a) – Job Grid as of 1/13/2014/ 3 pages	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.
Staff Production Request No. 7	7(b) –Presentation - Compensation Project/Aging of Salaries – 17 pages	Highly detailed, 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.

- 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. In addition, with regard to the AGA and CompData survey information, the sensitive information includes data that is either considered proprietary by other entities and companies (AGA and members) or is subject to a strict licensing agreement which prohibits distribution (CompData). 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 are two CDs containing the confidential document.

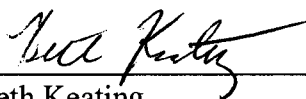
8. FPU further requests that the Commission issue a protective order, in accordance with Rule 25-22.006(6), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel, which is a party to this proceeding.
9. FPU asks that confidential classification be granted 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 CDs labeled "Confidential 1" (Attachments for Interrogatories 19 and 21) and "Confidential 2" (Documents Responsive to PODs 4 and 7), 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 11th day of June, 2014.



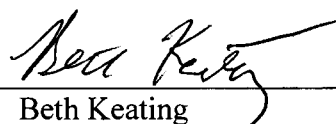
Beth Keating
Bar NO. 0022756
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 618
Tallahassee, FL 32301
(850) 521-1706

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing filing has been served by Hand Delivery this 11th 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

REDACTED

CONFIDENTIAL

140025 Staff First Set of Interrogatories #21

Assistant Operation Managers promoted from Line Operation Supervisors and included on the Over & Under adjustment is summarized:

REDACTED

The Over & Under adjustment; however, inadvertently omitted the promotions of two Assistant Operation Managers to Operation Managers on September 3, 2013 with a projected test year impact of:

REDACTED

REDACTED

CONFIDENTIAL

140025 Staff First Set of Interrogatories #21

Assistant Operation Managers promoted from Line Operation Supervisors and included on the Over & Under adjustment is summarized:

REDACTED

The Over & Under adjustment; however, inadvertently omitted the promotions of two Assistant Operation Managers to Operation Managers on September 3, 2013 with a projected test year impact of:

REDACTED