

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

October 1, 2014

Hand Delivery

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



COMMISSION

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Re: Docket No. 140001-EI: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor

Dear Ms. Stauffer:

Enclosed for filing, please find the original and seven copies of Florida Public Utilities Company's Request for Confidential Classification of information contained in the Company's Response to the First Requests for Production (No. 1) served on the Company by the Staff of the Florida Public Service Commission. Also included with this Request are one highlighted and two redacted copies of the referenced material.

Thank you for your assistance with this filing. As always, please don't hesitate to let me know 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

MEK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive

DOCKET NO. 140001-EI

factor.

DATED: October 1, 2014

REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR A TEMPORARY PROTECTIVE ORDER

through its Florida Public Utilities Company ("FPU" or "Company"), by and 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 to protect the information contained in its Responses to the First Requests for Production of Documents (No. 1) served upon the Company by the Commission Staff ("Staff"). In support of this Request, FPU states that:

- On September 10, 2014, the Staff served the Company with its First Requests for 1. Production of Documents (No. 1) in this proceeding. The focus of this discovery requests was certain information identified in Company witness Curtis Young's Exhibit CDY-2 filed on July 25, 2014.
- The information requested by Staff in Production Request No. 1 involves invoices 2. and contractual information regarding FPU's experts and consultants involved in the analyses, proposals, and analytics necessary to develop certain power projects designed to reduce, over time, FPU's fuel costs. FPU seeks confidential treatment of the specific invoices for service from its consultants and legal counsel. information contained in these documents is considered proprietary business

- information by the Company and its service providers, the disclosure of which would harm the business interests of the Company and its contract providers.
- 3. The information at issue is, as noted, considered proprietary confidential business information by FPU and its consultants and legal counsel, and has not otherwise been disclosed publicly. It includes not only rates for service provided by these vendors, but the descriptions of services performed reveal confidential information regarding projects and contracts that the Company treats as highly confidential. Disclosure of this information could harm FPU's ability to negotiate for good and services with consultants and similarly situated vendors, and could also adversely impact the projects referenced.
- 6. The information for which FPU seeks confidential classification is information that the Company treats 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 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.
- 7. Specifically, FPUC seeks confidential classification and a Protective Order for the highlighted information in the following (lines/pages) in the referenced testimony:

Document	Page/Line/Location	Description	Rationale
Response to POD 1 File: Docket 140001 FPUC POD 1 No. 1a	Information in all lines and amounts in all columns on spreadsheet	Summary sheet showing work performed and amounts paid to FPU's vendors	Information reveals specific contractual information between FPU and its providers; disclosure of this information would impair the Company's ability to contract for goods and services with other providers. The information also reflects specific work performed in furtherance of certain fuel related projects, some of which are not yet finalized. Disclosure of this information could impair the viability and completion of the projects. (Section
Response to POD 1 Files identified: King & Spalding, Christensen, Gunster, Cantrell Advisors, and Sterling	All highlighted numbers, work descriptions, rates, charges, totals, and account numbers, with the exception of business headers, signature blocks, and invoice approval blocks	Invoices from FPU's providers and vendors.	Information contained in this document identifies confidential details regarding the development of this project, including information that is deemed confidential between the Company and its providers pursuant to contract terms.

Document	Page/Line/Location	Description	Rationale
			Disclosure of this information could impair the viability and completion of the projects. (Section 366.093(d) and (e))

- 8. The information at issue falls squarely under Section 366.093(3)(d) and (e), Florida Statutes. Release of the referenced information as a public record would harm FPU's business operations and ratepayers by impairing the Company's ability to effectively negotiate for goods and services, as well as impair the ability to bring this project to fruition. As such, FPU requests that the Commission deem afford this information confidential treatment and exempt from Section 119.07, Florida Statutes. Included with this Request is a highlighted copy of the referenced documents. Documents responsive to POD 1 are provided in highlighted format, in accordance with Rule 25-22.006(4)(b), F.A.C. Also enclosed are two redacted copies of the information.
- 9. FPU asks that confidential classification be granted for a period of at least 18 months. Should the Commission no longer find that it needs to retain the information, FPU respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPU respectfully requests that:

 the highlighted information contained in the Company's Responses to the First Requests for Production (No. 1) from the Public Service Commission Staff be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes; and confidential classification be granted for a period of at least 18 months from the issuance of the Commission's Order.

RESPECTFULLY SUBMITTED this 1st day of October, 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 has been furnished by Electronic Mail (redacted only) to the following parties of record this 1st day of October, 2014:

Martha Barrera	James D. Beasley/J. Jeffry Wahlen/Ashley
Florida Public Service Commission	Daniels
2540 Shumard Oak Boulevard	Ausley Law Firm
Tallahassee, FL 32399-0850	Post Office Box 391
Mbarrera@PSC.STATE.FL.US	Tallahassee, FL 32302
	jbeasley@ausley.com
	jwahlen@ausley.com
	adaniels@ausley.com
Jeffry Stone/Russell Badders/Steven	James W. Brew/F. Alvin Taylor
Griffin	Brickfield Law Firm
Beggs & Lane	Eighth Floor, West Tower
P.O. Box 12950	1025 Thomas Jefferson Street, NW
Pensacola, FL 32591-2950	Washington, DC 20007
jas@beggslane.com	jbrew@bbrslaw.com
John T. Butler	Kenneth Hoffman
Florida Power & Light Company	Florida Power & Light Company
700 Universe Boulevard	215 South Monroe Street, Suite 810
Juno Beach, FL 33408-0420	Tallahassee, FL 32301
John.Butler@fpl.com	Ken.Hoffman@fpl.com
Ms. Paula K. Brown	Florida Industrial Users Power Group
Tampa Electric Company	Jon C. Moyle, Jr.
Regulatory Affairs	Moyle Law Firm
P.O. Box 111	118 North Gadsden Street
Tampa, FL 33601-0111	Tallahassee, FL 32301
Regdept@tecoenergy.com	jmoyle@moylelaw.com
Cheryl Martin	Florida Retail Federation
Florida Public Utilities Company	Robert Scheffel Wright/John T. LaVia
911 South 8th Street	Gardner Law Firm
Fernandina Beach, FL 32034	1300 Thomaswood Drive
Cheryl Martin@fpuc.com	Tallahassee, FL 32308
	schef@gbwlegal.com

Robert L. McGee, Jr.	J.R. Kelly/P. Christensen/C. Rehwinkel/
Gulf Power Company	Office of Public Counsel
One Energy Place	c/o The Florida Legislature
Pensacola, FL 32520	111 W. Madison Street, Room 812
rlmcgee@southernco.com	Tallahassee, FL 32399-1400
	Christensen.patty@leg.state.fl.us
Matthew Bernier/Paul Lewis, Jr.	John T. Burnett/Dianne M. Triplett
Duke Energy	Duke Energy
106 East College Avenue, Suite 800	299 First Avenue North
Tallahassee, FL 32301	St. Petersburg, FL 33701
Paul.lewisjr@duke-energy.com	John.burnett@duke-energy.com
Matthew.Bernier@duke-energy.com	Dianne.Triplett@duke-energy.com
	Randy B. Miller
	White Springs Agricultural Chemicals, Inc.
	Post Office Box 300
	White Springs, FL 32096
	Rmiller@pcsphosphate.com

Gunster, Yoakley & Stewart, P.A. 215 South Monroe St., Suite 601

Tallahassee, FL 32301

(850) 521-1706

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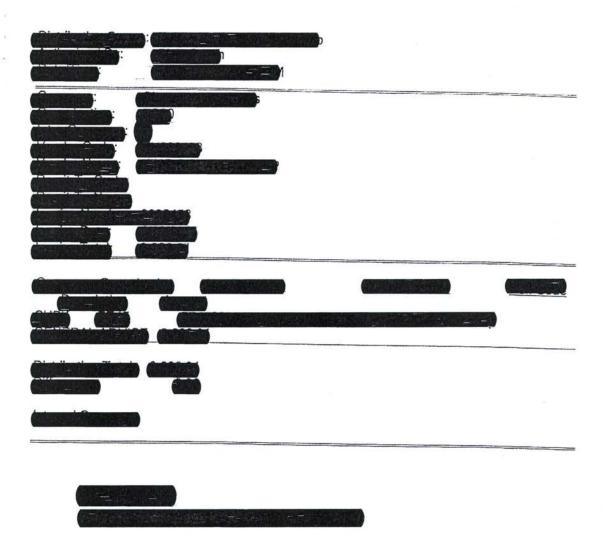
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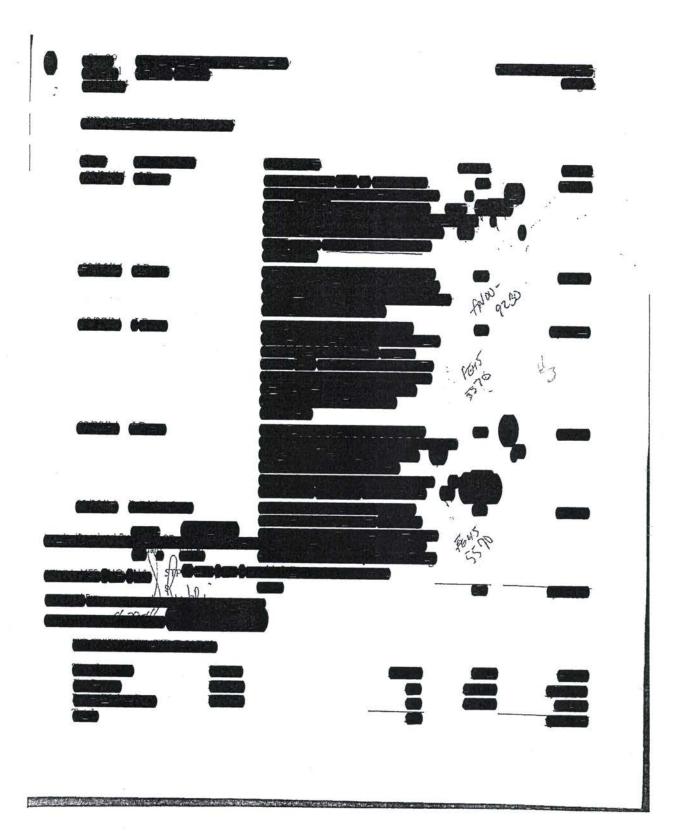
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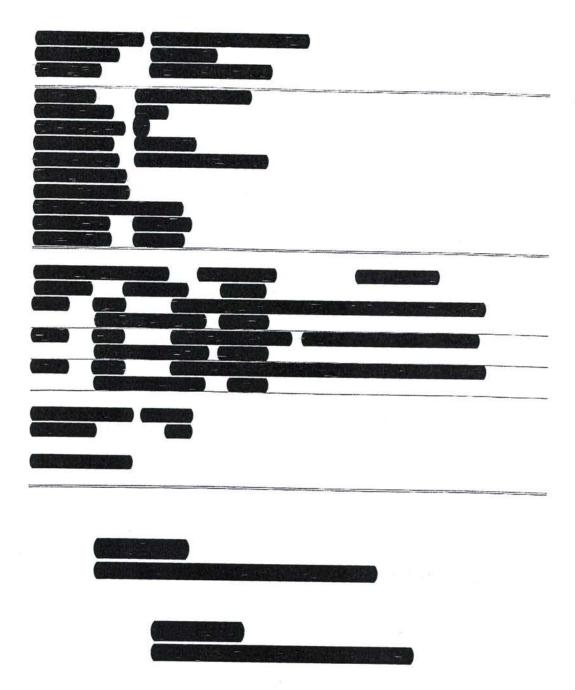




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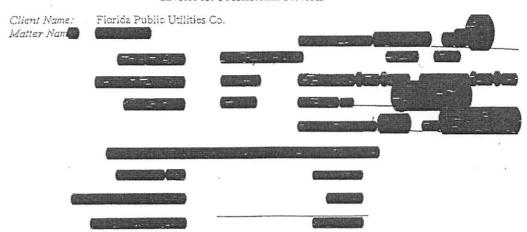
777 South Plagler Drive, Suite 500
West Palm Beach, Florida 33401
Phone (561) 655-1980
Fax No. (561) 655-5677
Taxpayer ID No. 59-1450702

January 20, 2014

Florida Public Utilities Co. Attn: Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409

Please remit with payment

Invoice for Professional Services



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420 Montgomery Street San Francisco, CA 94104
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Account Number.
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Page 3

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Page 4

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Florida Public Utilities Co.
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Page 5

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Chesapeake Utilities

Organization:

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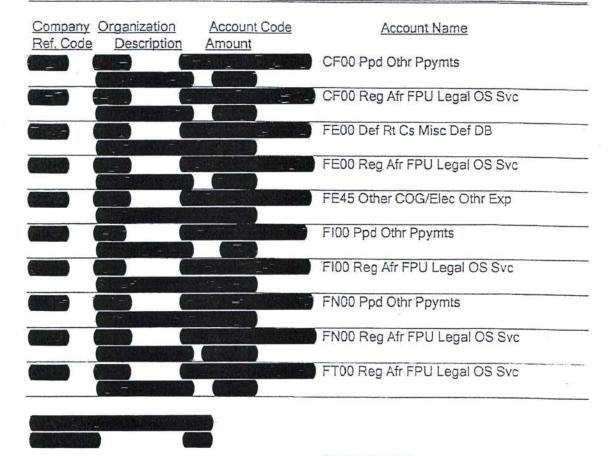
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Invoice Number: 466131 Invoice Date:

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Company:

Chesapeake Utilities

Organization:

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Inter-Company: 0

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GUNSTER YOAKLEY & STEWART PA

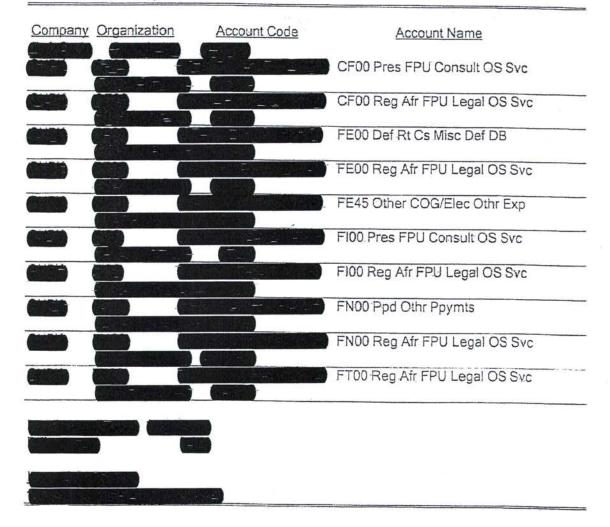
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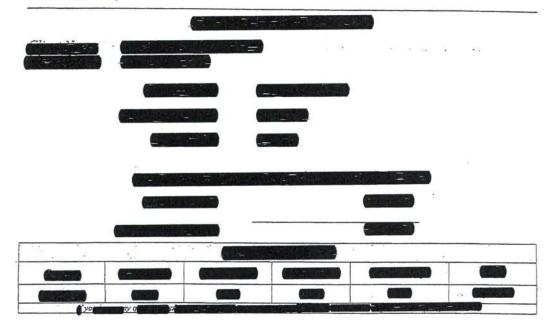
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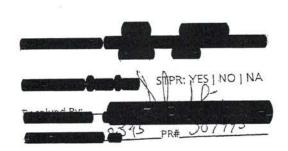


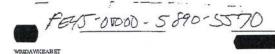
777 South Fiagler Drive, Suite 500 West Palm Beach, Florida 33401 Phone (561) 655-1980 Fax No. (561) 655-5677 Taxpayer ID No. 59-1450702

January 31, 2014

Florida Public Utilities Co. Attn: Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409-5886

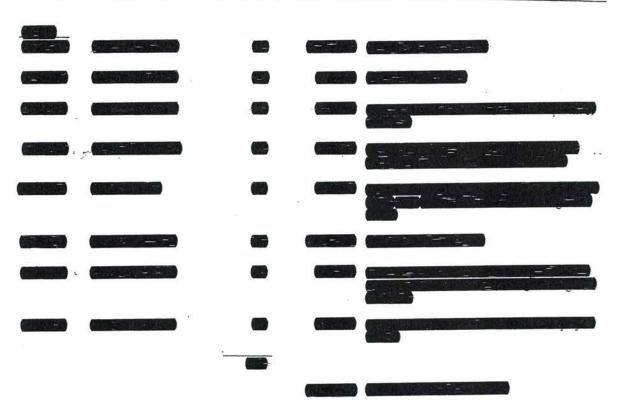






Invoice No. 466527 33016.15 Florida Public Utilities Co. Cogen Contracts





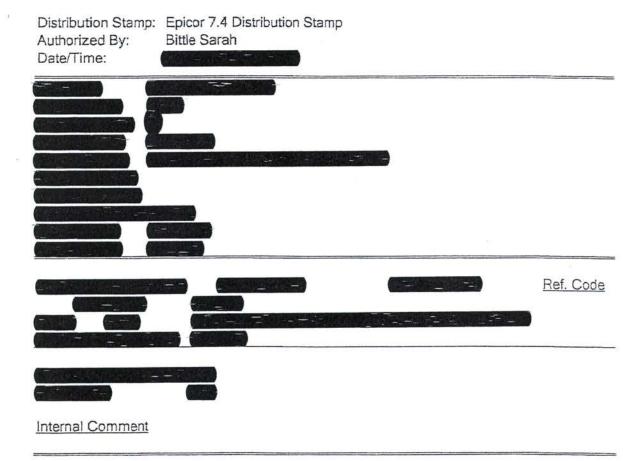
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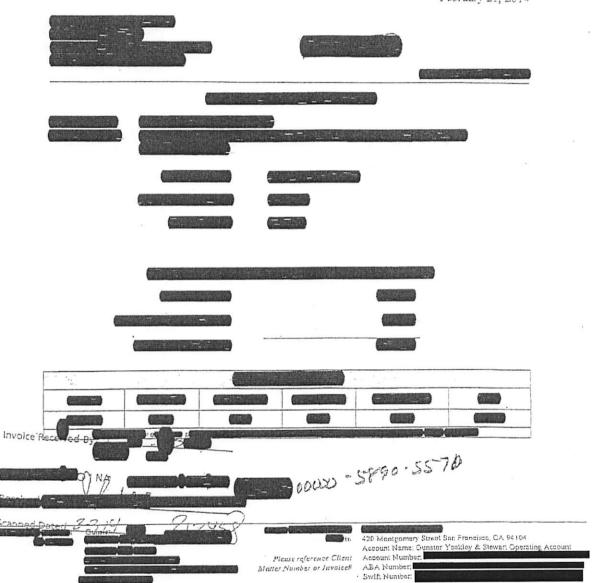


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777 South Fiagler Drive, Suite 500 West Palm Beach, Florida 33401 Phone (561) 655-1980 Fax No. (561) 655-5677 Taxpayer ID No. 59-1450702

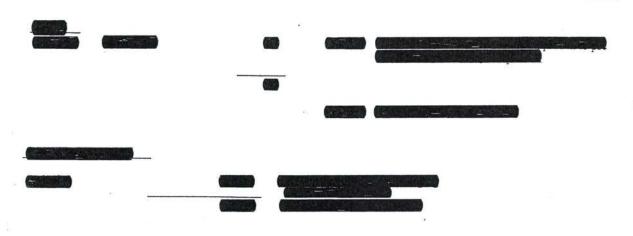
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Florida Public Utilities Co.
Development of special contract terms for purchase of power renewable facility



Invoice Date: February 21, 2014

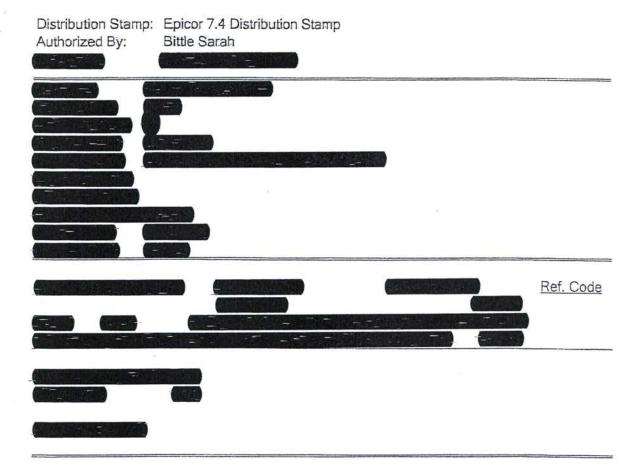




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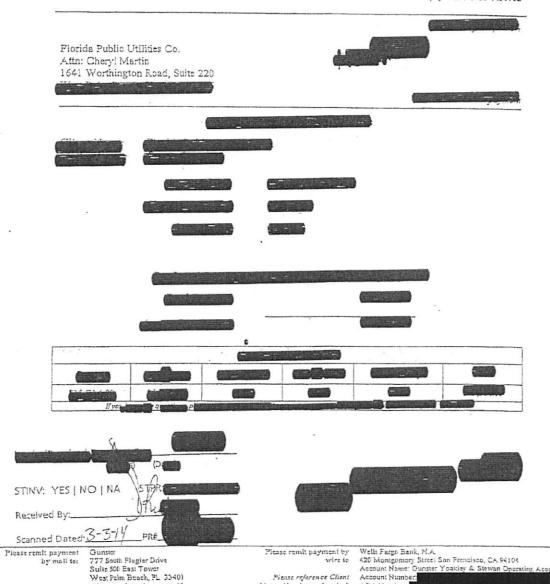


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777 South Flagler Drive, Suite 500 West Palm Beach, Floride 33401 Phone (561) 655-1980 Fax No. (561) 655-5677 Texpayer ID No. 59-1450702



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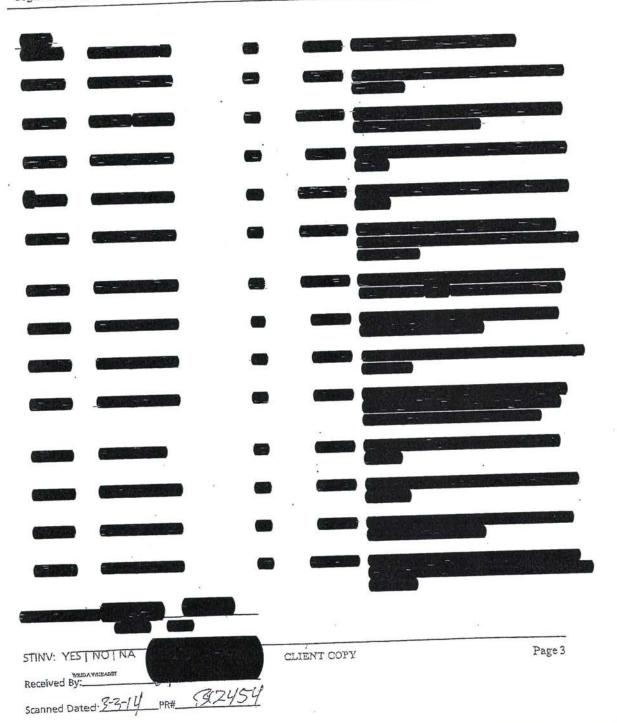
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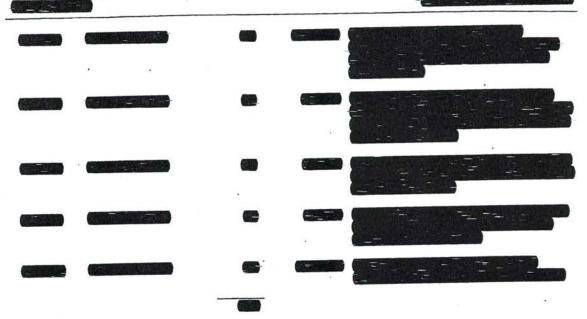


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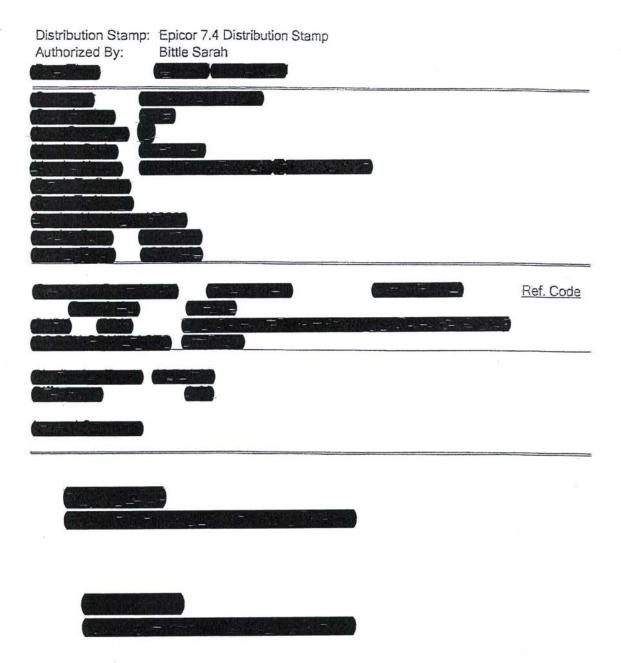
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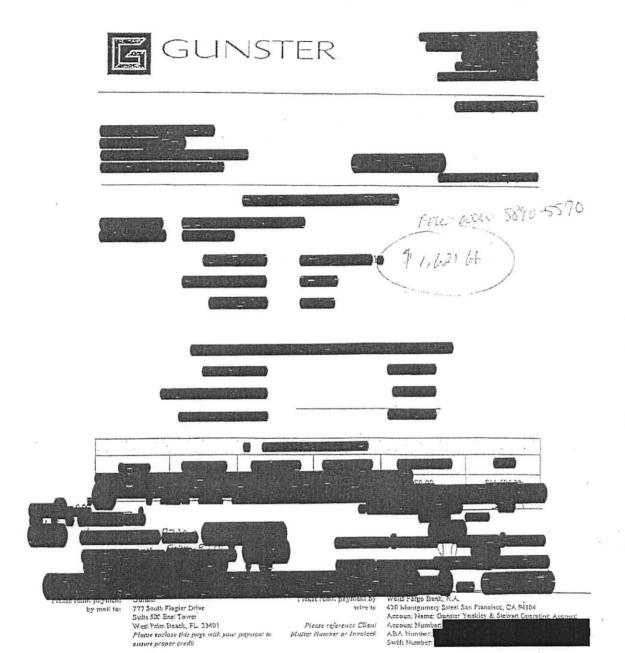


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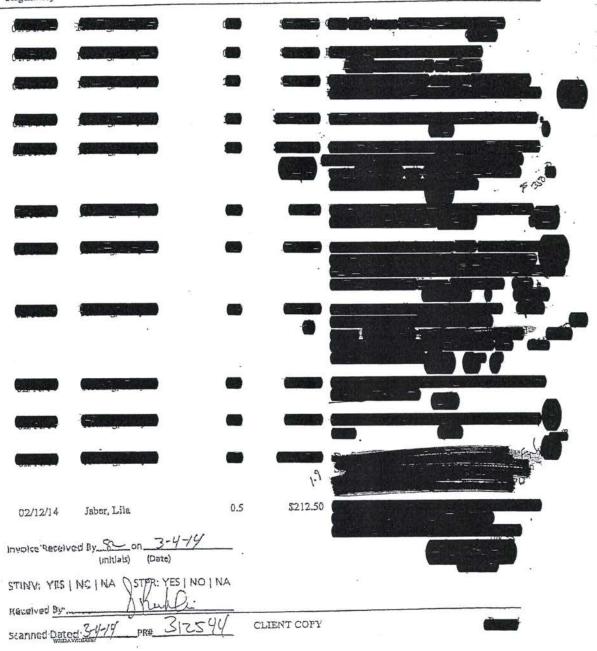
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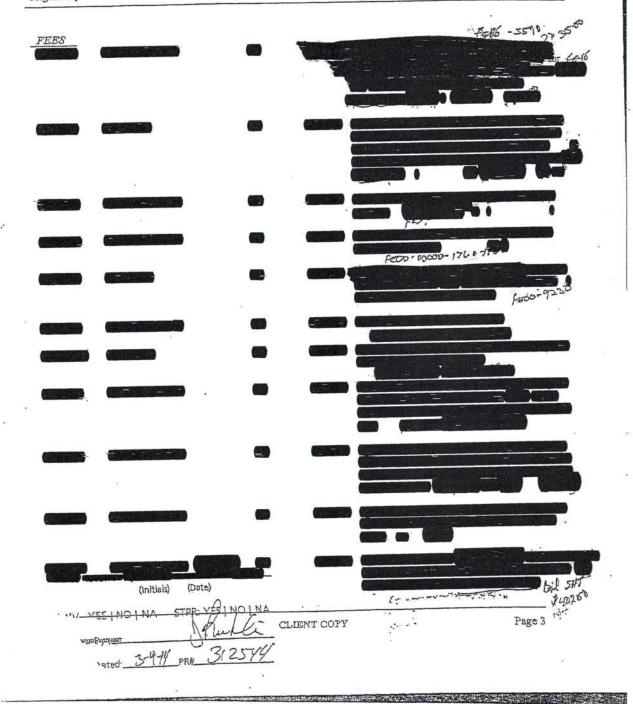
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Invoice No. 467996 33016.2 Florida Public Utilities Co. Regulatory



Invoice Date: February 21, 2014



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Chesapeake Utilities

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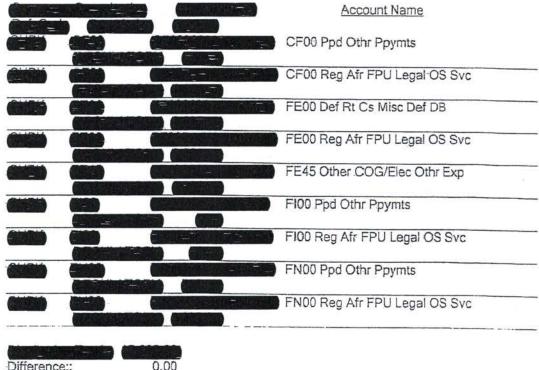
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2/21/2014

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777 South Flagler Drive, Suite 500 West Palm-Beach, Fiorida 33401 Phone (561) 655-1980 Fax No. (561) 655-5677 Taxpayer ID No. 59-1450702

March 18, 2014

Florida Public Utilities Co. Attn: Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409-5886

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Invoice for Professional Services

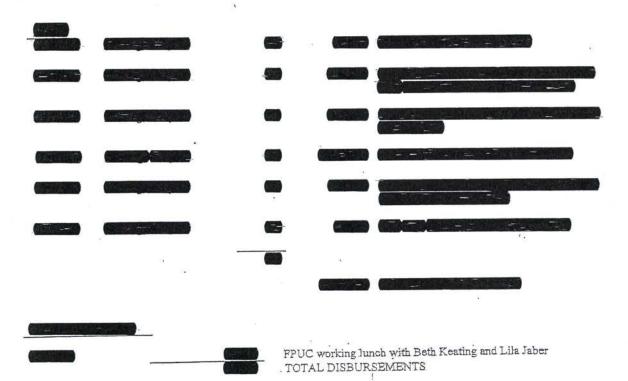
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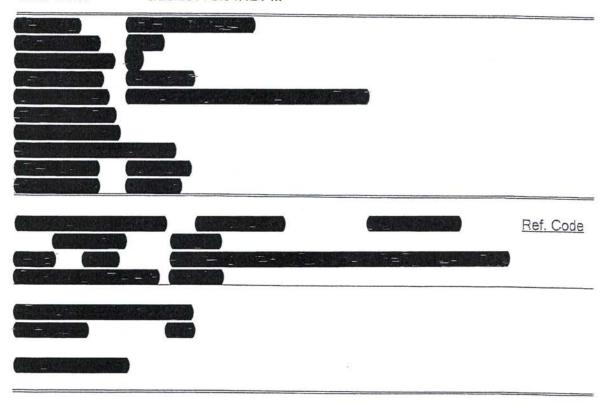
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777 South Fingler Drive, Suite 500 West Palm Beach, Florida 33401 Phone (561) 655-1980 Fax No. (561) 655-5677 Taxpayer ID No. 59-1450702

March 18, 2014

Florida Public Utilities Co. Attn: Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409

Invoice for Professional Services

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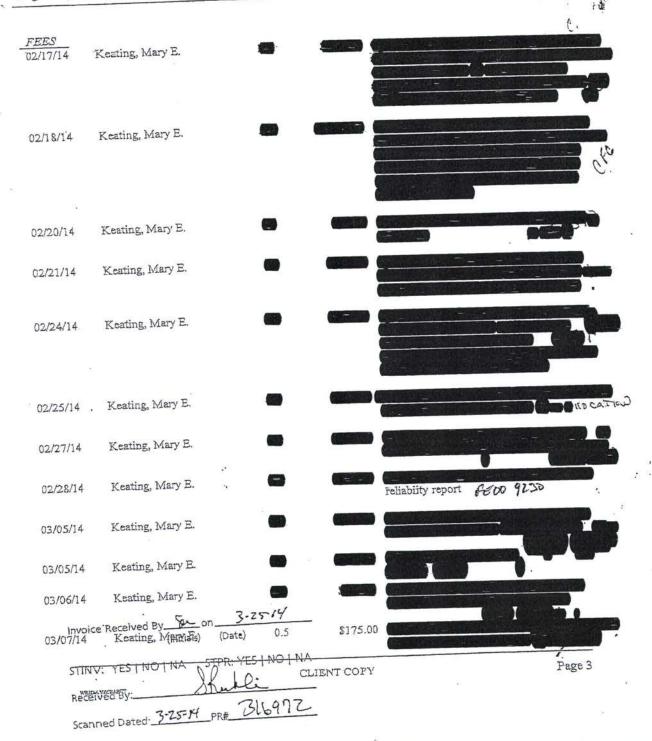
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Invoice No. 469354 33016.2 Florida Public Utilities Co. Regulatory



Invoice Date: March 18, 2014



Invoice No. 469354 33016.2 Florida Public Utilities Co. Regulatory



Invoice Date: March 18, 2014

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DISBURSEMENTS

03/15/14

Telephone, postage, and imaging (detail available upon request)
TOTAL DISBURSEMENTS

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Ruhlin Sherri From: Martin, Cheryl Sent: Tuesday, March 25, 2014 11:32 AM To: Ruhlin Sherri Subject: RE:

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Company:

Chesapeake Utilities

Organization:

FC00

Inter-Company: 0

Vendor Code:

VN006250

Vendor Name:

GUNSTER YOAKLEY & STEWART PA

Remit-To Code: Remit-To Name:

Invoice Number: 469354

Invoice Date:

3/18/2014

Invoice Total:

8.364.45



APPROVED 3/27/2014 11:52 AM michelle napier

APPROVED 3/27/2014 4:04 PM cheryl_martin



777 South Fingler Drive, Suite 500 West Palm Beach, Florida 33401 Phone (561) 655-1980 Fax No. (561) 655-5677 Texpayer ID No. 59-1450702

April 22, 2014

Florida Public Utilities Co. Attn: Cheryl Martin

1641 Worthington Road, Suite 220

West Palm Beach, FL 33409-5886

Please remit with payment

Invoice for Professional Services ACCOUNT BALANCE STPR: YES | NO | NA 420 Bromgomery Street San Frencisco, 677-716 Acot Name: Gunster Yorkley & Stewart Operating Acot. Account Number Payment by 777 South Florid Dive PR# West Palm Beach, FL 33401 Please enclose this page with your payment to ensure proper credit Please reference Client Matter Number ABA Number:

or Involce#

Swin Number:

Invoice No. 471554 33016.15 Florida Public Utilities Co. Cogen Contracts





Invoice Received By Sun on 4-28-14 (Initials) (Date)

STINV: YES INO I NA STAR: YES I NO I NA

Scanned Dated 4-28-14 PR# 3232\2

CLIENT COPY Page 3

WRIDAVACEABET



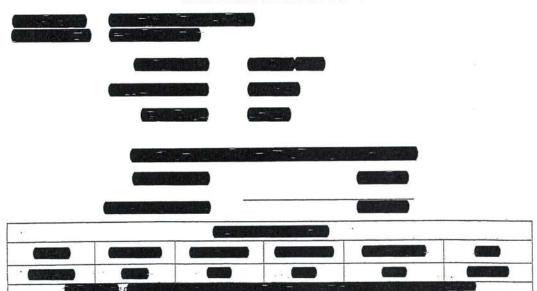


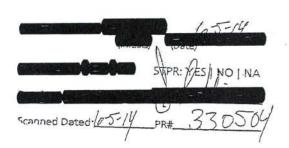
777 South Flagier Drive, Suite 500 West Palm Beach, Florida 33401 Phone (561) 655-1980 Fax No: (561) 655-5677 Taxpayer ID No. 59-1450702

May 20, 2014

Florida Public Utilities Co. Attn: Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409-5886

Invoice for Professional Services

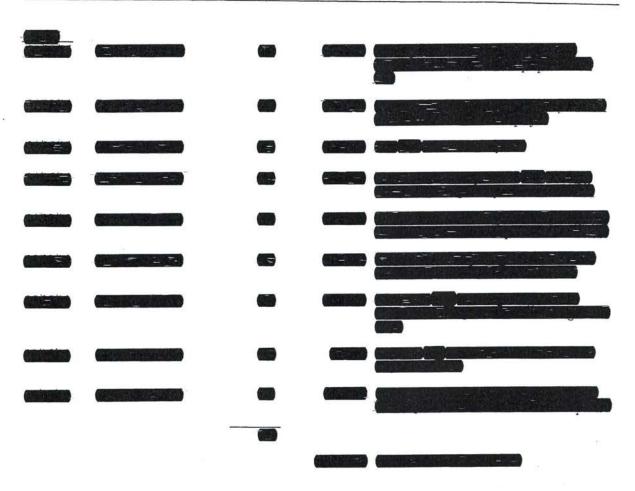


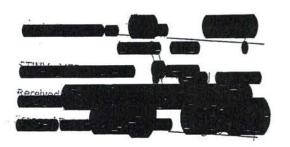


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Invoice No. 473189 33016.15 Florida Public Utilifies Co. Cogen Contracts







Page 3



APPROVED 6/16/2014 1:47 PM chery!_martin



777 South Flagier Drive, Suite 500 West Palm Beach, Florida 33401 Phone (561) 655-1980 Fax No. (561) 655-5677 Taxpayer ID No. 59-1450702

May 20, 2014

Florida Public Utilities Co. Attn: Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409

Invoice for Professional Services



Invoice Received By Ston (Initials) (Date)

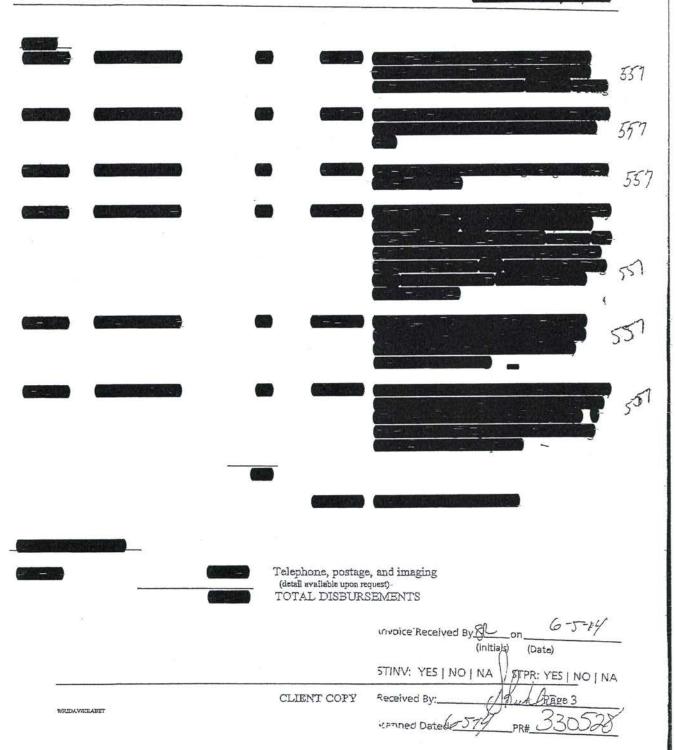
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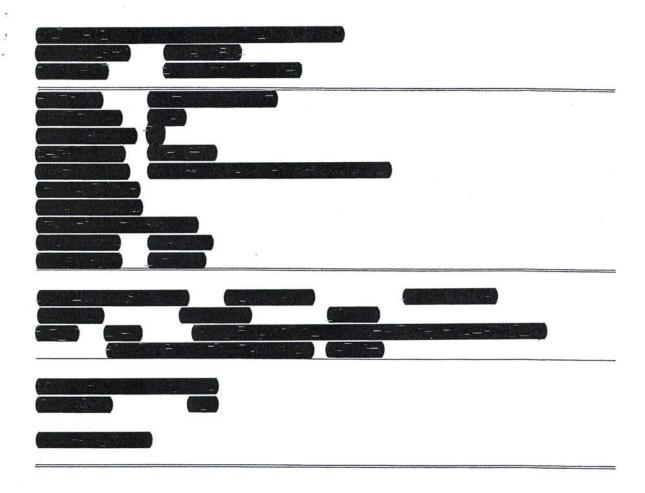
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Invoice No. 473183 33016.5 Florida Public Utilities Co. Fuel and Purchased Power Clause







APPROVED 6/13/2014 9:07 AM michelle_napier

APPROVAL REVOKED
REQUIRES RE-APPROVAL
6/16/2014 1:48 PM Martin Cheryl

APPROVED 6/18/2014 3:11 PM cheryl_martin

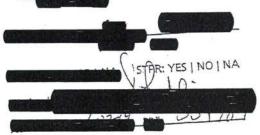


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Florida Public Utilities Co. Attn: Cheryl Martin 1641 Worthington Road, Suite 220

West





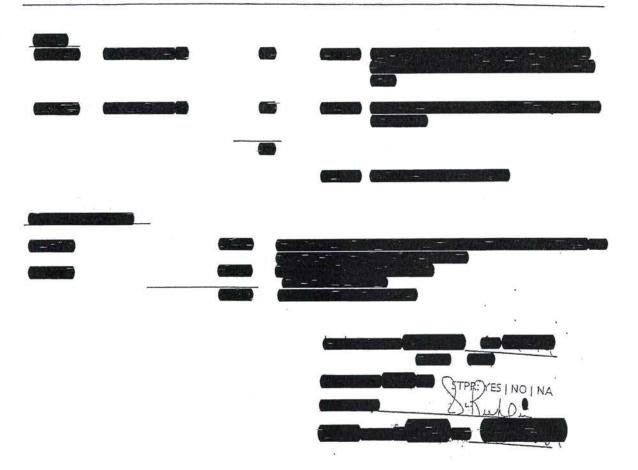
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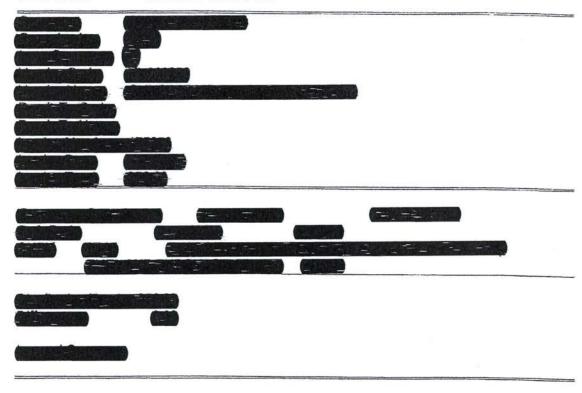
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Page 3

WRIDAYACEABET

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Authorized By: Kouse, Amy
Date/Time: 6/27/2014 3:40:37 PM



6/27/2014 4:18 PM michelle_napier

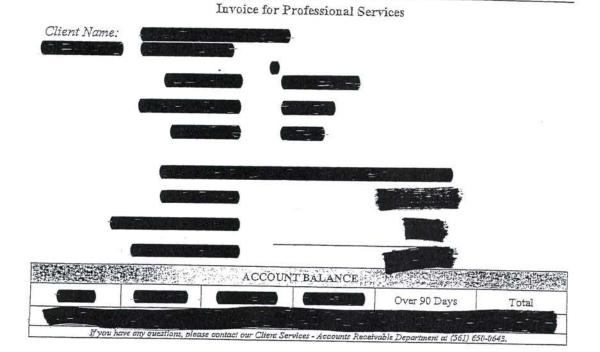


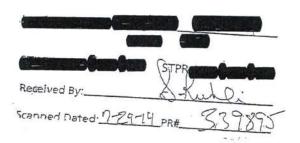
777 South Fiagler Drive, Suite 500 West Palm Beach, Florida 33401 Phone (561) 655-1980 Fax No. (561) 655-5677 Taxpayer ID No. 59-1450702

July 22, 2014

Florida Public Utilities Co. Attn: Cheryl Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409-5886

ACCRUED



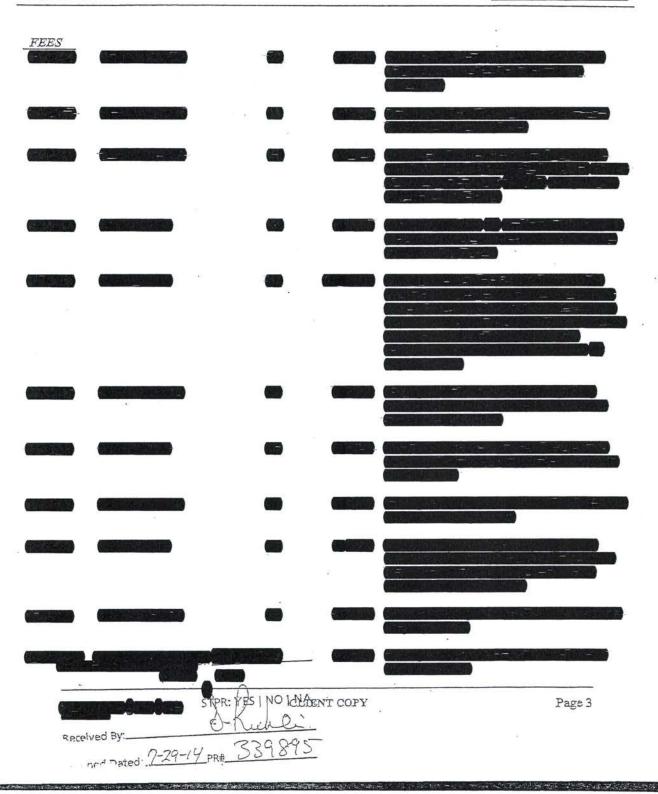


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Invoice No. 477090 33016.15 Florida Public Utilities Co. Cogen Contracts





Invoice No. 477090 33016.15 Florida Public Utilities Co. Cogen Contracts

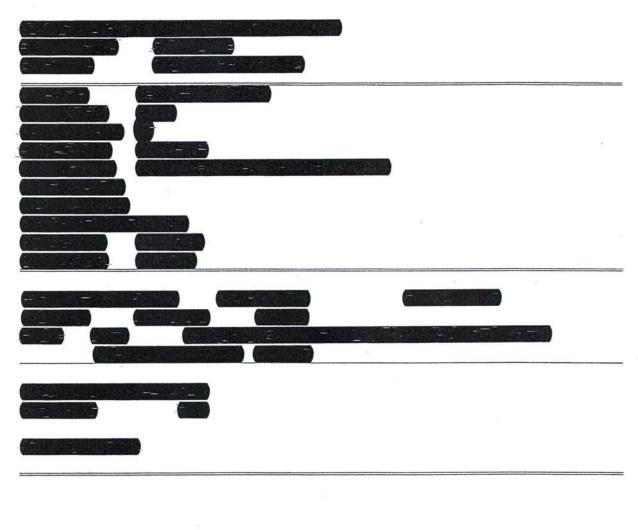


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APPROVED 7/31/2014 9:02 AM cheryl_martin

Christensen Associates Energy Consulting, U.C 800 University Bay Drive, Sulte 400 Madison, Wisconsin 53705-2299

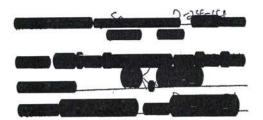
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Robert J. Camfield, Vice President

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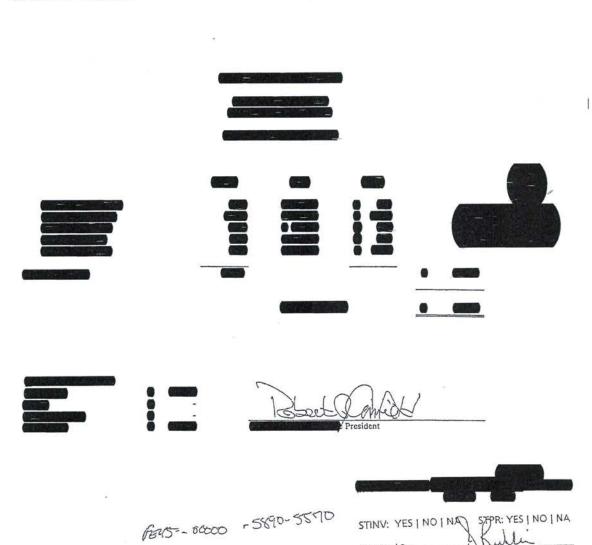




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Christensen Associates Energy Consulting, U.C 800 University Bay Drive, Suite 400 Modison, Wisconsin 53705-2299

Voice 608.231.2266 Fax 608.231.2108



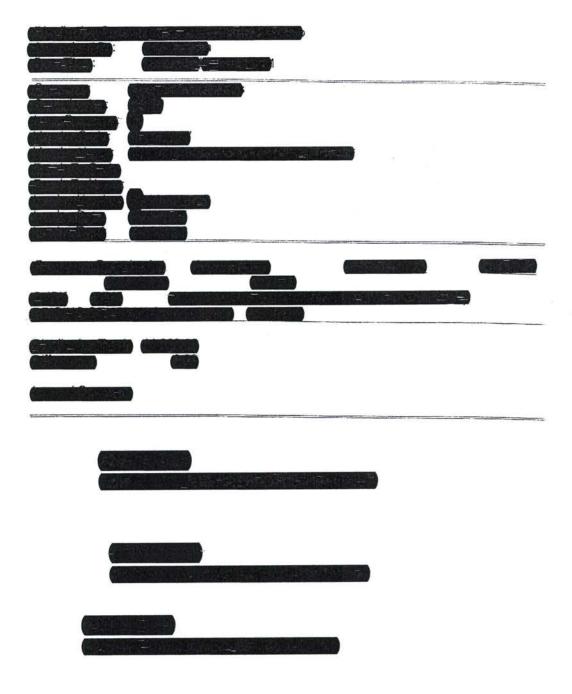
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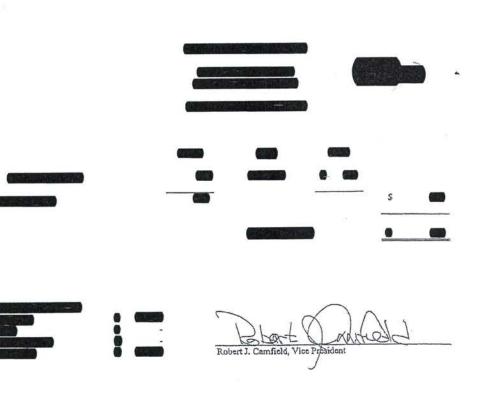


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CHRISTENSEN ASSOCIATES ENERGY CONSULTING

Christensen Associates Energy Consulling, U.C 800 University Bay Drive, Sulta 400 Madison, Wiscansin 53705-2299

Voice 608.231.2266 Fox 608.231.2108



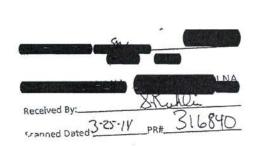
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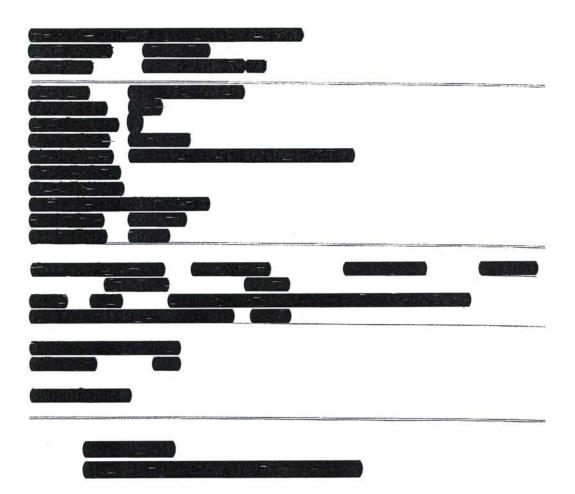
(Initials) (Date)

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Christensen Associates Energy Consulting, LLC 800 University Bay Drive, Sulte 400 Madison, Wisconsin 53705-2299

Voice 608.231.2266 Fax 608.231.2108

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Robert J. Camfield, Vice President



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CHRISTENSEN ASSOCIATES ENERGY CONSULTING

Christensen Associates Energy Consulling, LLC 800 University Bay Drive, Suite 400 Madison, Wisconsin 53705-2299

Voice 608.231.2266 Fax 608.231.2108

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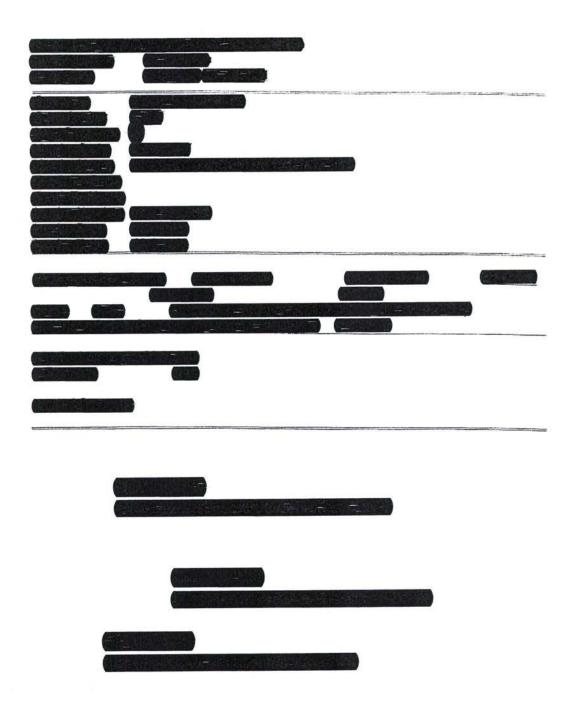
Robert J. Camfield, Vice President

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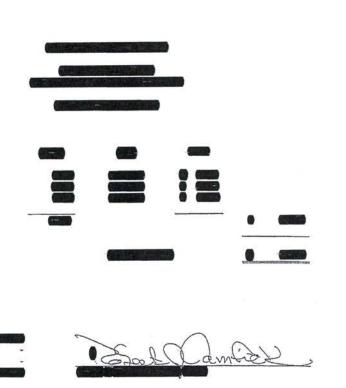


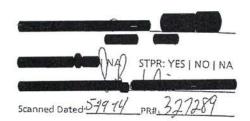


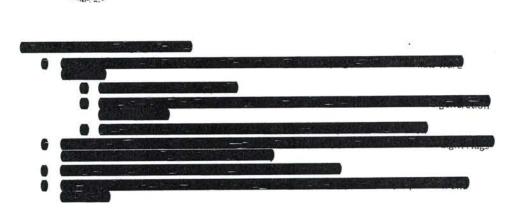


Christensen Associates Energy Consulling, LLC 800 University Bay Drive, Sulte 400 Madison, Wisconsin 53705-2299

Voice 608.231.2266 Fax 608.231.2108

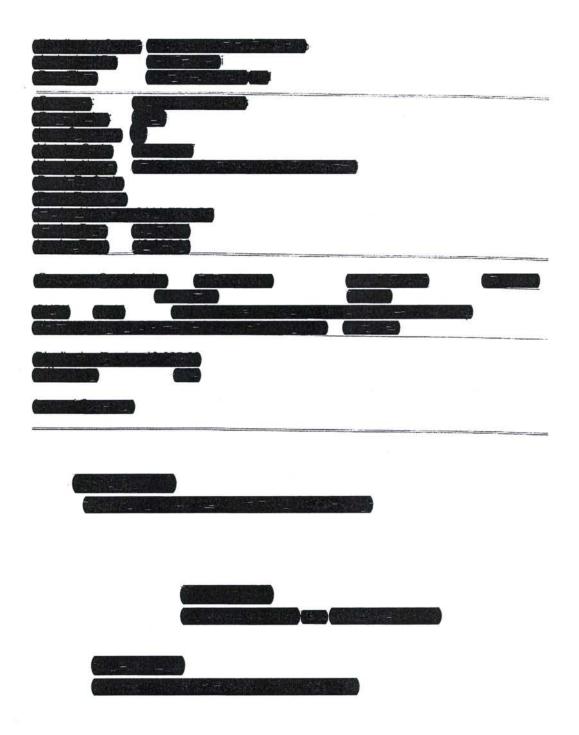






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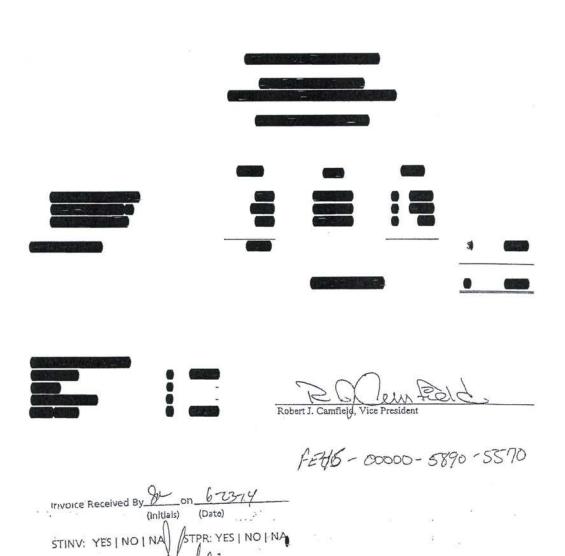


Christensen Associates Energy Consulling, U.C 800 University Bay Drive, Sulle 400 Madison, Wisconsin 53705-2299

Voice 608.231.2266 Fax 608.231.2108



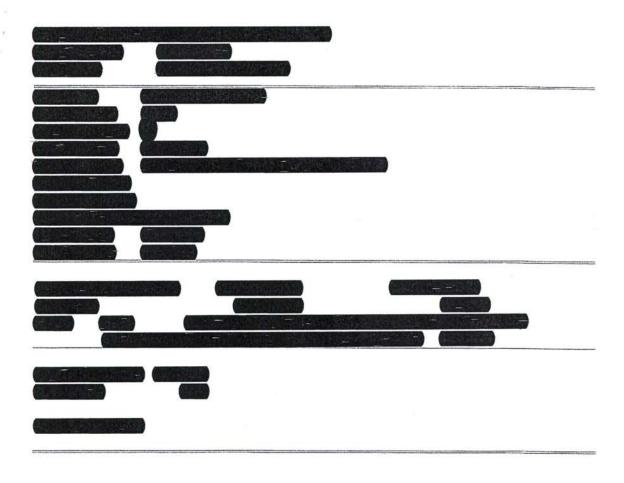
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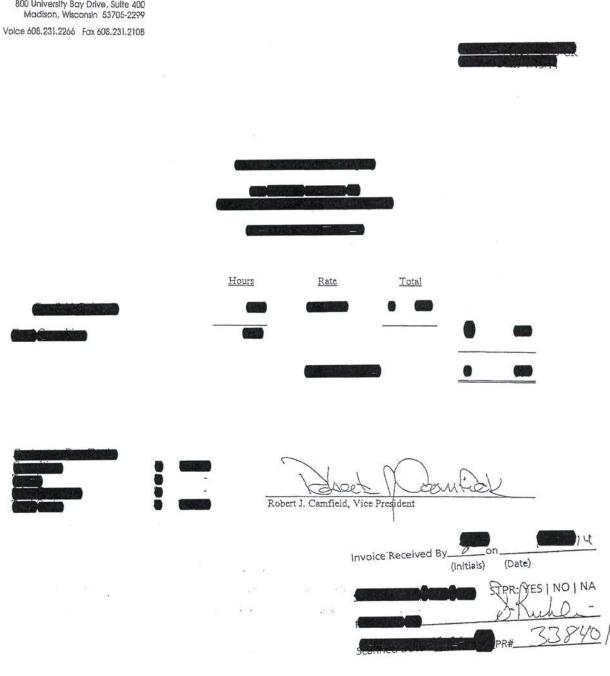




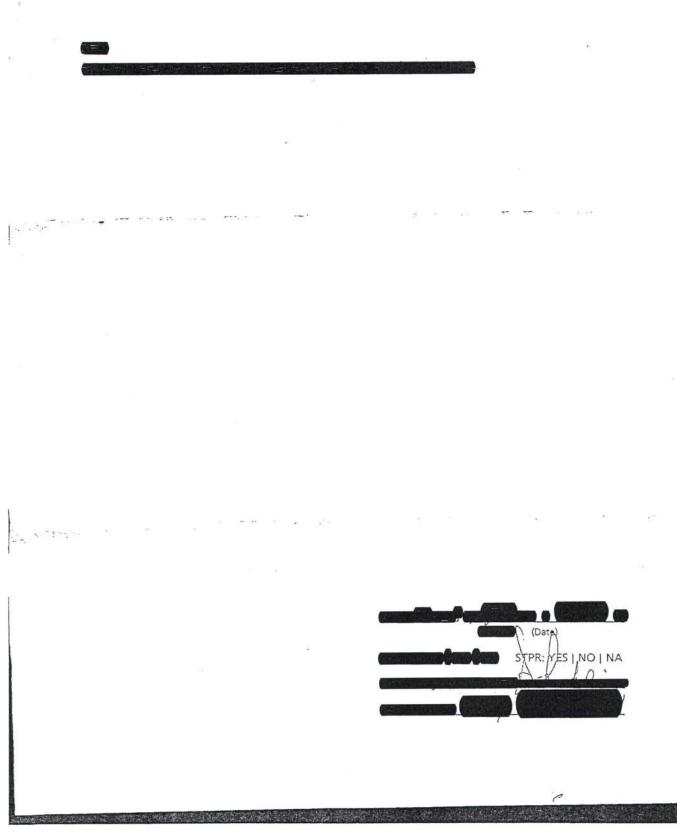
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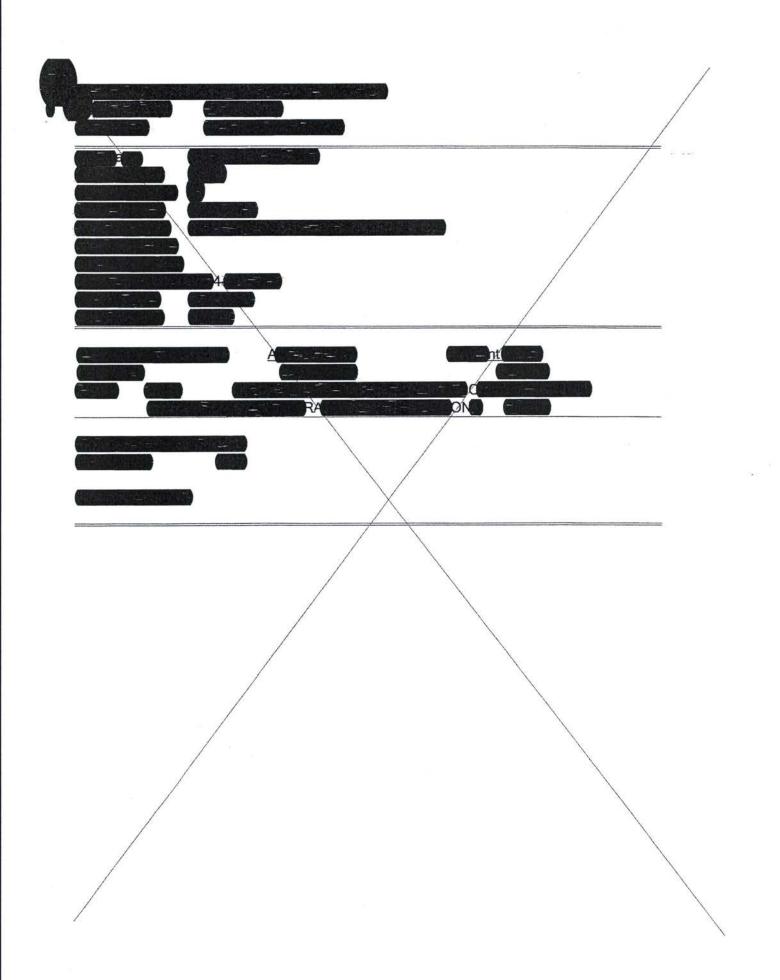
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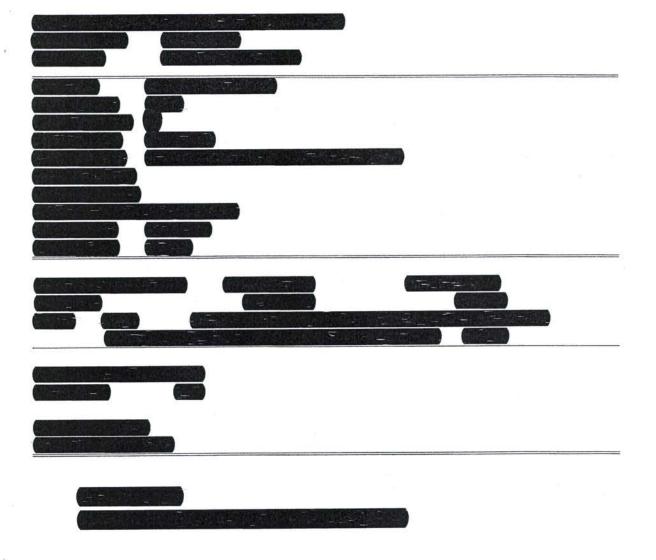
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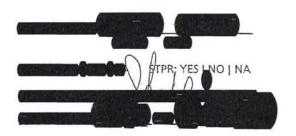
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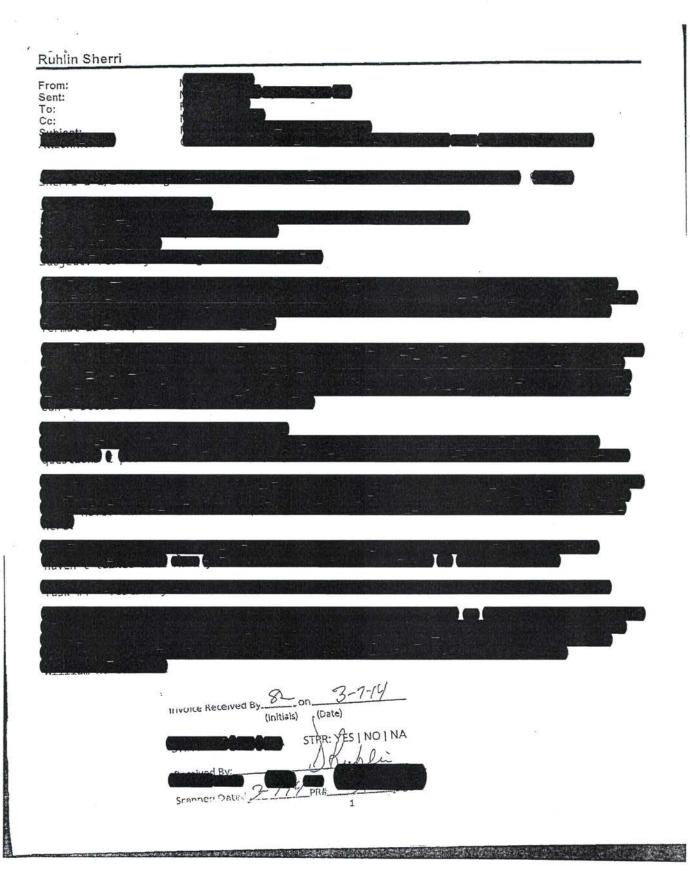


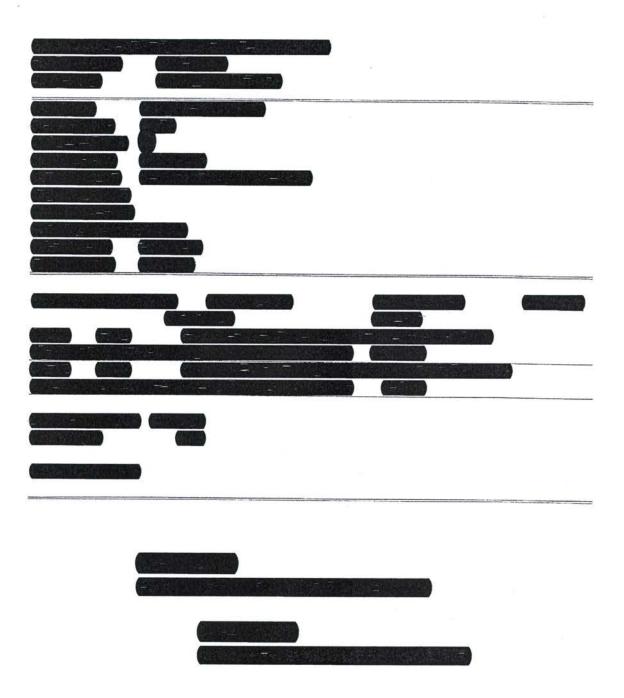


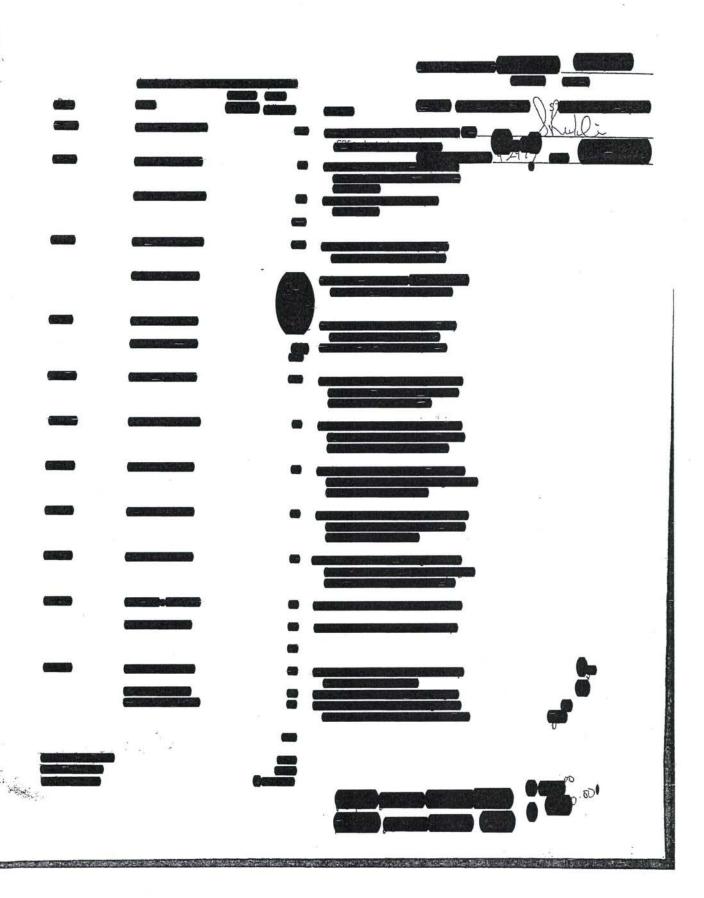


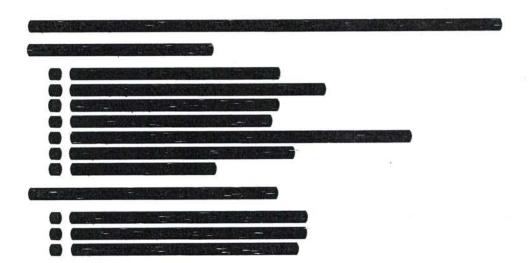


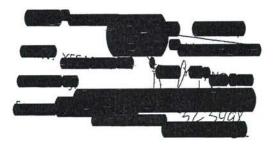


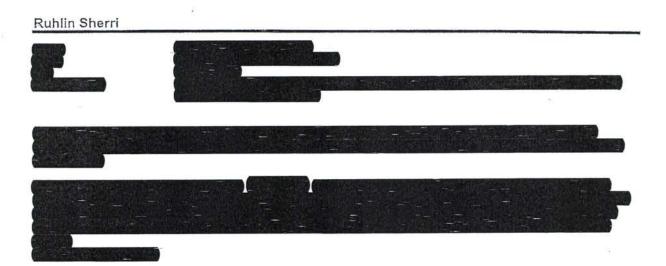




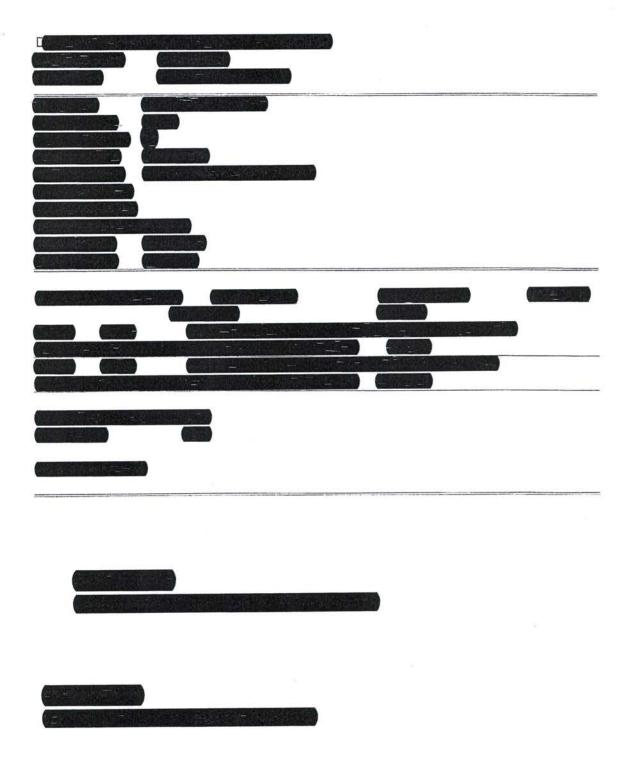














Invoice

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January 17, 2014



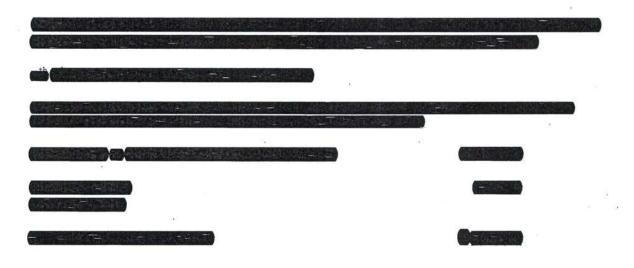
Invoice To:

Florida Public Utilities Company

Attn: Mr. P. Mark Cutshaw, General Manager

911 South 8th Street

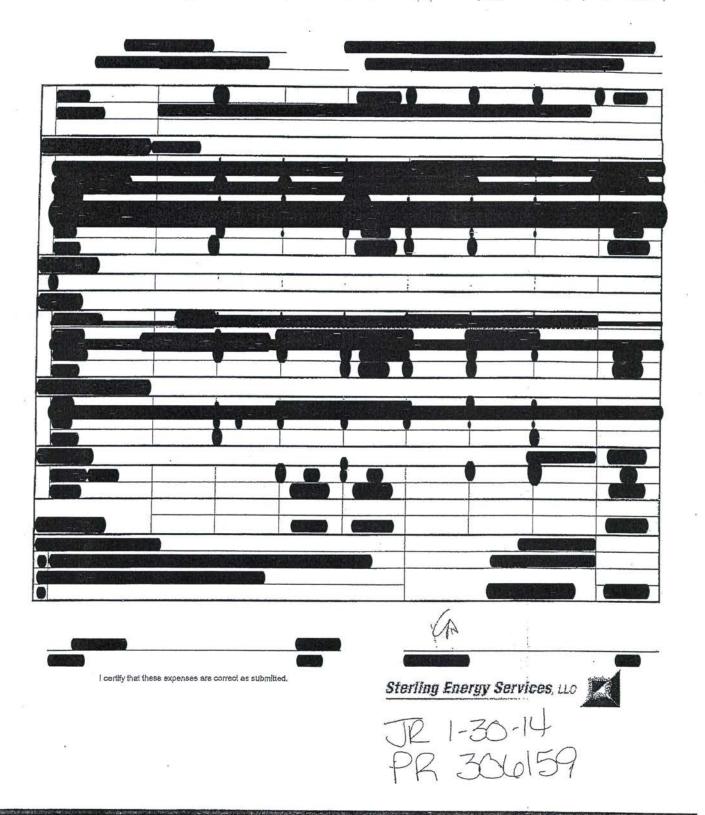
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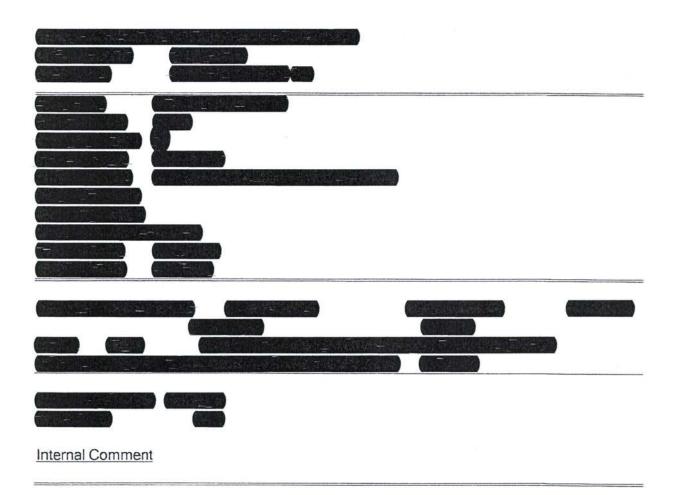




Thanks for the Opportunity to Serve Florida Public Utilities

Business Expense Report - Sterling Energy Services, LLC







FLORIDA PUBLIC UTILITIES SCHEDULE OF OTHER FUEL COSTS JANUARY 2014 - DECEMBER 2014	CHRISTENSEN ASSOCIATES ENERGY	CANTRELL ADVISORS LLC	GUNSTER YOAKLEY & STEWART PA	KING & SPALDING LLP	STERLING ENERGY SERVICES LLC	ESTIMATED ADD'L COSTS	PUBLIC UTILITIES	GRAND TOTAL