

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Fuel and Purchased Power  
Cost Recovery Clause with  
Generating Performance Incentive  
Factor

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DOCKET NO. 150001-EI

FILED: October 23, 2015

**CITIZEN'S OBJECTION TO FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE  
ORDER**

The Citizens of the State of Florida (Citizens) hereby file their objection to Florida Public Utilities Company's Request for Confidential Classification and Motion for Protective Order and as grounds therefore state the following:

1. On October 19, 2015, Florida Public Utilities Company (FPUC) filed a Request for Confidential Classification and Motion for Protective Order for portions of its Responses to OPC Interrogatory No. 1. Pursuant to Rule 28-106.204, Florida Administrative Code, a response to a Motion can be filed within 7 days. This objection and response has been filed timely.

2. The Public Records statute states that "[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency." See, Section 119.01, Florida Statutes. However, Section 119.01 (d), Florida Statutes, recognizes that there are public record exemptions. Section 366.093, Florida Statutes, sets forth the specific exemptions for certain utility information held by a state agency to be kept confidential rather than the standard policy that all records held by a state agency are open to the public.

3. FPUC claims that the information contained in its discovery response is proprietary confidential business information pursuant to Section 366.093, Florida Statutes, based on the following statutory reason:

(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.

4. FPUC's Request for Confidential Classification and Motion for Protective Order (Request) covered FPUC's Responses to OPC's First Set of Interrogatory No. 1. The confidential request was for the following:

1. For each year 2013, 2014 and 2015, please provide the amount of consulting fees associated with the fuel docket by vendor, including Christensen and Pierpont that were incurred and recorded on the Company's books. Please provide the vendor name, the specific accounts, reflecting the account titles and numbers, and the corresponding dollar amounts incurred per firm for each year in which FPUC incurred consulting costs related to fuel docket.

5. Based on the discovery requests, the Company's responses were broken out by vendor (non-confidential), FERC account number (non-confidential) and total dollar amount for the timeframe requested (which was requested to be held confidential).

6. Citizens submit that the information contained in the Company's discovery responses (i.e., the name of the vendor, the description of accounts, and the total amount for the requested timeframe) do not reveal or lead to the disclosure of the terms and conditions of these contracts such that FPUC's ability to contract for these types of goods and services on favorable terms would be impaired. These total dollar amounts do not disclose any contractual data such as hourly rates or number of hours charged that could possibly harm either the vendor, the Company or its customers.

7. Further, the disclosure of the annual costs are similar to amounts incurred as rate case expense which are not confidential in nature. In general, the actual contracts are considered confidential; however, the actual or estimated amounts spent are not confidential.

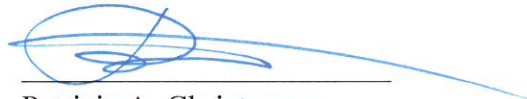
8. Moreover, these total dollar amounts do not disclose any information regarding bids for these services.

9. Thus, the total amounts incurred should in no way be considered competitively sensitive information which would impair the Company's ability to effectively negotiate for goods and services, as well as impair the ability to bring critical projects to fruition. In addition, OPC submits that confidential treatment of these amounts is improper because it impairs the full public disclosure of the dollar impact of the non-fuel related costs that the Company wishes to include as fuel related costs to be recovered through the fuel cost recovery clause.

WHEREFORE, Citizens request that the Commission deny Florida Public Utilities Company's Request for Confidential Classification and Motion for Protective Order. Specifically, Citizens request that the total dollar amounts previously identified as confidential as contained in the Company's responses to OPC's First Set of Interrogatories No. 1 be made public.

Respectfully submitted,

J.R. Kelly  
Public Counsel



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Patricia A. Christensen  
Associate Public Counsel  
c/o The Florida Legislature  
Office of Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Attorney for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**

**150001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 23<sup>rd</sup> day of October, 2015, to the following:

Martha Barrera/Suzanne Brownless  
Kyesha Mapp/John Villafrate  
Danijela Janjic  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL32399-0850

James Beasley  
Jeffrey Wahlen  
Ashley Daniels  
Ausley Law Firm  
P.O. Box 391  
Tallahassee, FL 32302

Jon C. Moyle, Jr.  
c/o Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301

Mike Cassel  
Florida Public Utilities Company  
1750 S.W. 14th Street, Suite 200  
Fernandina Beach, FL 32034-

John T. Butler  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

Beth Keating  
Gunster Law Firm  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301-1839

Ken Hoffman  
Florida Power & Light Company  
215 South Monroe St., Suite 810  
Tallahassee, FL 32301-1858

Dianne M. Triplet  
Duke Energy Florida, Inc.  
299 First Avenue North  
St. Petersburg, FL 33701

Robert L. McGee, Jr.  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Jeffrey A. Stone  
Russell Badders  
Steve Griffin  
Beggs & Lane Law Firm  
P.O. Box 12950  
Pensacola, FL 32591


Robert Scheffel Wright  
John T. LaVia  
Gardner Law Firm  
1300 Thomaswood Drive  
Tallahassee, FL 32308

James W. Brew/Owen J. Kopon/  
Laura A. Wynn  
Brickfield Law Firm  
Eighth Floor, West Tower  
1025 Thomas Jefferson St., NW  
Washington, DC 20007

Paula K. Brown  
Tampa Electric Company  
Regulatory Affairs  
P.O. Box 111  
Tampa, FL 33601-0111

Raoul G. Cantero  
Southern Financial Center, Suite 4900  
200 South Biscayne Boulevard  
Miami, Florida 33131-2352

Matthew R. Bernier  
Duke Energy Florida, Inc.  
106 E. College Ave., Suite 800  
Tallahassee, FL 32301-7740

  
Patricia A. Christensen  
Associate Public Counsel