

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

July 25, 2019

**HAND DELIVERY**

Mr. Adam Teitzman, Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**REDACTED**

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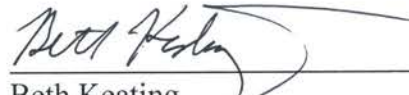
**Re: Docket No. 20190002-EG – Energy Conservation Cost Recovery Clause**

Dear Mr. Teitzman:

Enclosed for filing, please find an original and seven copies of Florida Public Utilities Company's Request for Confidential Classification of portions of its Response to Interrogatory No. 4 of Staff's First Set of Interrogatories to the Company. Also included, consistent with Rule 25-22.006, Florida Administrative Code, are a highlighted copy of the referenced response and two redacted copies of said material.

Should you have any questions whatsoever, please do not hesitate to contact me. Thank you for your assistance in this matter.

Sincerely,

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

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation            )  
Cost Recovery Clause                 )  
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Docket No. 20190002-EG  
Filed: July 25, 2019

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

Florida Public Utilities Company ("FPUC" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby submits this Request for Confidential Classification of certain material contained in its responses to Staff's First Set of Interrogatories (Nos. 1-14). Specifically, FPUC seeks confidential treatment of information contained in its response to Interrogatory No. 4. In support of this Request, FPUC states as follows:

1. The referenced Interrogatory response contains information regarding payments made pursuant to contracts with FPUC's vendors. FPUC and its vendors treat this information as highly confidential, proprietary business information, which, if disclosed, could harm the Company's business interests, as well as those of its vendors.
2. Subsection 366.093(1), Florida Statutes, provides that upon request, records received by the Commission which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)."
3. "Proprietary confidential business information" is defined as meaning "information, regardless of form or characteristics, which is owned or controlled by the ... company, is intended to be and is treated by the ... company as private

in that the disclosure of the information would cause harm to the ratepayers or the 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." Section 366.093(3), Florida Statutes.

4. Proprietary confidential business information includes, but is not limited to, information concerning:
  - (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.

Section 366.093(3), Florida Statutes.


5. The confidential portions of the information provided in response to Interrogatory No. 4 fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under Section 366.093(d) Florida Statutes, and Rule 25-22.006, Florida Administrative Code. The information, which has been treated by FPUC as highly confidential and has not been publicly disclosed, constitutes information about payments made by FPUC pursuant to contract, which in accordance with those contracts, the parties treat as confidential. This information, if disclosed, would impair the efforts of FPUC to compete for services, as well as to contract for goods and services with other

vendors on reasonable terms. The information therein is therefore proprietary confidential business information and is entitled to continued and ongoing protection under Section 366.093(d), Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

6. Specifically, FPUC seeks confidential treatment of the two highlighted amounts included in its response to Staff Interrogatory No. 4, which is located at page 9 of FPUC's Responses to Staff's First Set of Interrogatories. The identified amounts pertain to contracts with third parties for assistance with the 2020 FEECA Goalsetting process.
7. The information at issue falls squarely under Section 366.093(3)(d), Florida Statutes. 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. As such, FPUC requests that the Commission grant this information confidential treatment and determine it to be exempt from Section 119.07, Florida Statutes. Included with this Request is a highlighted copy of the referenced page of FPUC's Response to Interrogatory No. 4. Also enclosed are two redacted copies of the referenced response.
8. FPUC asks that confidential classification be granted for a period of at least 18 months. Should the Commission find that it needs to retain the information, FPUC respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPUC respectfully requests that the highlighted information contained in its Response to Staff Interrogatory No. 4 in the referenced docket be classified as “proprietary confidential business information,” and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of July, 2019.

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

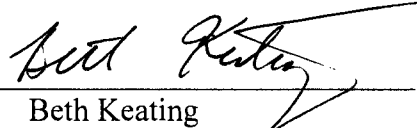
*Attorneys for Florida Public Utilities Company*

**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 25<sup>th</sup> day of July, 2019:

<p>Florida Public Utilities Company                  Mike Cassel                  1750 S 14th Street, Suite 200                  Fernandina Beach, FL 32034  <a href="mailto:mcassel@fpuc.com">mcassel@fpuc.com</a></p>	<p>Jon C. Moyle, Jr.                  Moyle Law Firm                  118 North Gadsden St.                  Tallahassee, FL 32301  <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a></p>
<p>Margo DuVal                  Florida Public Service Commission                  2540 Shumard Oak Boulevard                  Tallahassee, FL 32399  <a href="mailto:mduval@psc.state.fl.us">mduval@psc.state.fl.us</a></p>	<p>Office of Public Counsel                  Charles Rehwinkel/Patricia Christensen/Tad David                  c/o The Florida Legislature                  111 West Madison Street, Room 812                  Tallahassee, FL 32399-1400  <a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a>  <a href="mailto:Rehwinkel.Charles@leg.state.fl.us">Rehwinkel.Charles@leg.state.fl.us</a>  <a href="mailto:David.tad@leg.state.fl.us">David.tad@leg.state.fl.us</a></p>
<p>Paula K. Brown                  Tampa Electric Company                  P.O. Box 111                  Tampa, FL 33601-0111  <a href="mailto:regdept@tecoenergy.com">regdept@tecoenergy.com</a></p>	<p>Dianne M. Triplett                  Duke Energy, Inc.                  P.O. Box 14042                  St. Petersburg, FL 33733-4042  <a href="mailto:dtriplett@duke-energy.com">dtriplett@duke-energy.com</a></p>
<p>Matthew Bernier                  Duke Energy, Inc.                  106 E. College Ave., Suite 800                  Tallahassee, FL 32301  <a href="mailto:Matthew.Bernier@duke-energy.com">Matthew.Bernier@duke-energy.com</a></p>	<p>James D. Beasley                  J. Jeffrey Wahlen                  Malcolm Means                  Ausley &amp; McMullen                  P.O. Box 391                  Tallahassee, FL 32302  <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a>  <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a>  <a href="mailto:mmeans@ausley.com">mmeans@ausley.com</a></p>
<p>Steven R. Griffin                  Beggs &amp; Lane                  P.O. Box 12950                  Pensacola, FL 32591-2950  <a href="mailto:srg@beggslane.com">srg@beggslane.com</a></p>	<p>Maria Moncada                  Joel Baker                  Florida Power &amp; Light Company                  700 Universe Boulevard                  Juno Beach, FL 33408-0420  <a href="mailto:Maria.Moncada@fpl.com">Maria.Moncada@fpl.com</a>  <a href="mailto:Joel.baker@fpl.com">Joel.baker@fpl.com</a></p>
<p>Mr. Ken Hoffman                  215 South Monroe Street, Suite 810                  Tallahassee, FL 32301-1858  <a href="mailto:ken.hoffman@fpl.com">ken.hoffman@fpl.com</a></p>	<p>Robert Scheffel Wright/John T. LaVia                  c/o Gardner Law Firm                  1300 Thomaswood Drive                  Tallahassee, FL 32308</p>

	<a href="mailto:schef@gbwlegal.com">schef@gbwlegal.com</a> <a href="mailto:jlavia@gbwlegal.com">jlavia@gbwlegal.com</a>
Russell Badders Shane Boyett Gulf Power Company One Energy Place Pensacola, FL 32520-0780 <a href="mailto:Russell.badders@nexteraenergy.com">Russell.badders@nexteraenergy.com</a> <a href="mailto:Charles.boyett@nexteraenergy.com">Charles.boyett@nexteraenergy.com</a>	James W. Brew Laura Wynn Stone Mattheis Xenopoulos & Brew, PC Eighth Floor, West Tower 1025 Thomas Jefferson Street, NW Washington, DC 20007 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwynn@smxblaw.com">lwynn@smxblaw.com</a>



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**Please refer to Schedule CT-2, Pages 2 and 3, of FPUC's May 1, 2019 filing in Docket No. 20190002-EG to answer the following questions.**

4. Are any expenses that are included in the Company's filing associated with the 2020 FEECA Goalsetting Docket? Please explain.

**Company Response:** Yes, those expenses included in the Company's filing associated with the 2020 FEECA Goalsetting Docket are as follows:

Florida Power & Light      Technical, Potential, Achievable Study      [REDACTED]  
*(FPUC's payment portion for utility collaborative retention of Nexant)*

Tactical Energy Solutions      Consulting Services      [REDACTED]

*Respondent Scott Ranck*