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March 13, 2020

VIA HAND DELIVERY

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

REDACTED

Re: Docket No. 20190156-EI - Petition for a limited proceeding to recover incremental storm restoration costs, capital costs, revenue reduction for permanently lost customers, and regulatory assets related to Hurricane Michael, by Florida Public Utilities Company.

Dear Mr. Teitzman:

Attached for filing, please find the original and 7 copies of Florida Public Utilities Company's Request for Confidential Classification and Motion for Protective Order of certain information contained in its responses to OPC's Fourth Request for Production to the Company and its Responses to OPC's Seventh Set of Interrogatories to the Company. Also included are one highlighted and two redacted versions of the referenced confidential document in accordance with Rule 25-22.006, F.A.C. Certain Interrogatory Attachments and documents responsive to OPC's document request are provided only on DVDs marked "Confidential" due to the size and electronic format of the referenced documents.

Thank you for your assistance with this filing. As always, please don't hesitate to let me know if you have any questions or concerns.

Sincerely,


Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 3230
(850) 521-1706

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to recover incremental storm restoration costs, capital costs, revenue reduction for permanently lost customers, and regulatory assets related to Hurricane Michael, by Florida Public Utilities Company. _____) Docket No. 20190156-EI
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) Filed: March 13, 2020
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FLORIDA PUBLIC UTILITIES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR TEMPORARY
PROTECTIVE ORDER

Florida Public Utilities Company ("FPUC" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rules 25-22.006(4) and (6), Florida Administrative Code, hereby submits this Request for Confidential Classification and Motion for Temporary Protective Order regarding certain material contained in its responses to OPC's 4th Requests for Production of Documents, and information in both the Interrogatories and Responses to OPC's 7th Set of Interrogatories. In support of this Request, FPUC states as follows:

1. The documentation includes contains information regarding rates and terms in contracts with FPUC's vendors during the restoration efforts following Hurricane Michael. FPUC and these vendors treat this information as highly confidential, proprietary business information in accordance with agreed upon contract terms. If this information is publicly disclosed, such disclosure could harm the Company's business interests, as well as those of its vendor.
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 referenced documents 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 the parties treat as confidential in accordance with the terms of those contracts. This information, if disclosed, would not only impair the efforts of FPUC to compete for services, but would potentially place the Company in breach of contract. Furthermore, such disclosure could impair the Company's ability to contract for goods and services with other vendors on reasonable terms in the future. 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. For these reasons, FPUC requests that the Commission grant confidential classification for the following referenced information. Given the size of certain documents and the extent of confidential information contained therein, the Company respectfully requests that certain documents provided on DVD be granted confidential classification in their entirety:

<p>Response to 4th Request for Production of Documents – Request #24</p>	<p>Enercon Confidential – BATES Pike Confidential – BATES Tampa Confidential - BATES</p>	<p>These documents are provided on DVD only. FPUC requests confidential classification for these documents in their entirety.</p>
<p>OPC’s 7th Set of Interrogatories</p>	<p>Highlighted portion of Response to Interrogatory 235; Highlighted portion of question and response for Interrogatory 242; Highlighted question and response for Interrogatories 243 - 251; Highlighted response to Interrogatory 252; Highlighted question and response for Interrogatories 253-255;</p>	

	<p>Highlighted responses for Interrogatories 260-262; Highlighted question and portions for Response for Interrogatory 264; Highlighted question and response for Interrogatory 264-266, Highlighted Interrogatory No. 267 and 270; and Highlighted question and response to Interrogatory 271.</p>	
<p>Interrogatory Attachments to Responses to OPC's 7th set of Interrogatories</p>	<p>OPC Rog 7 No. 229 Vendor 1 OPC Rog 7 No. 237 Vendor 2 OPC Rog 7 No. 248 Vendor 3 OPC Rog 7 No. 252 Vendor 4 OPC Rog 7 No. 261 Vendor 5 OPC Rog 7 No. 270 Vendor 6</p>	<p>These documents are provided on DVD only. FPUC requests confidential classification for these documents in their entirety.</p>

7. To the extent this information is also provided to OPC in response to their discovery request, the Company also asks that the Commission enter a Protective Order, pursuant to Rule 25-22.006(6)(c), protecting this information from public disclosure to the extent it is being provided the Office of Public Counsel.

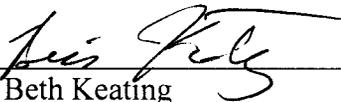
8. Rule 25-22.006(6)(c), Florida Administrative Code, provides in pertinent part, as follows, with respect to a utility allowing OPC to depose, inspect and/or take possession of the utility's information:

a. [T]he utility may request a temporary protective order exempting the information from Section 119.07(1), Florida Statutes. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, the Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

9. 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 Request for Confidential Classification and Motion for Protective Order
10. FPUC has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion but reserves the right to contest the confidentiality of the subject documents.

WHEREFORE, FPUC respectfully requests that the Commission grant the highlighted information described herein confidential classification and enter a protective order protecting the referenced information provided to OPC in response to Citizens' Fourth Requests for Production of Documents (Nos. 24-29) and in the Interrogatories and FPUC's Responses to OPC's Seventh Set of Interrogatories (Nos. 229-271) to the Company.

RESPECTFULLY SUBMITTED this 13th day of March, 2020.

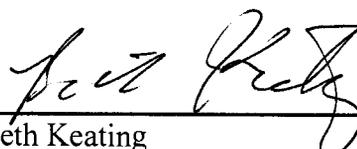
By: 
Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing has been served by Electronic Mail this 13th day of March, 2020, upon the following:

Florida Public Utilities Company Mike Cassel 208 Wildlight Ave., Yulee, FL 32097 mcassel@fpuc.com	Ashley Weisenfeld Rachael Dziechciarz Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 aweisenf@psc.state.fl.us rdziechc@psc.state.fl.us
	Office of Public Counsel J.R. Kelly/Patricia Christensen/Mireille Fall-Fry c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 Kelly.jr@leg.state.fl.us christensen.patty@leg.state.fl.us fall-fry.mireille@leg.state.fl.us

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

Interrogatory No. 235

235. On the Rate Sheet tab, why is there no straight time listed? If this is per a contract, please provide the contract provisions relied on to justify this charge.

Company Response: As provided in the response to Citizen's Production of Documents

No. 5, the contract states

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respondent: Bill Adams

For The Following Questions, Please Respond With Reference To Tampa Electric Company
Hereafter Referred To As Vendor 3.

[REDACTED]

Company Response: [REDACTED]

[REDACTED]

Respondent: Bill Adams

[REDACTED]

Respondent: Bill Adams

[REDACTED]

[REDACTED]

Respondent: Bill Adams

[REDACTED]

[REDACTED]

[REDACTED]

Respondent: Bill Adams

[REDACTED]

[REDACTED]

Respondent: Bill Adams

[REDACTED]

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Respondent: Bill Adams

[REDACTED]

Respondent: Bill Adams

[REDACTED]

[REDACTED]

[REDACTED]

Respondent: Bill Adams

[REDACTED]

[REDACTED]

Respondent: Bill Adams

Interrogatory No. 251

For The Following Questions, Please Respond With Reference To Pike Hereafter Referred To
As Vendor 4:

[REDACTED]

Respondent: Bill Adams

252. Please list the acronyms used on tab C.1-Rate Sheets with their full position name.

Company Response: [REDACTED]

Respondent: Bill Adams

[REDACTED]

[REDACTED]

Respondent: Bill Adams

[REDACTED] Please explain why the vendor has a start date [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respondent: Bill Adams

260. Please explain why there are no mileage charges.

Company Response: [REDACTED]

Respondent: Bill Adams

For The Following Questions, Please Respond With Reference To FPL Hereafter Referred To As Vendor 5.

261. Please fill out tab C.1-Rate Sheets with the straight time (ST), overtime (OT) and double time (DT) charges as per hour, not total dollars, as requested and do the same for the equipment hours and resubmit.

Company Response: [REDACTED]

Respondent: *Bill Adams*

262. All invoices listed at the bottom of tab C.2 will need to have accompanying timesheets and hours per employee filled out on this tab. Please resubmit these charges per person.

Company Response: [REDACTED]

Respondent: Bill Adams

[REDACTED]

Company Response: FPUC objects to this request to the extent that it asks the Company to revise previously provided information to fit format that is different than the format in which the Company holds the information. This is not required under the Florida rules of discovery. Notwithstanding and without waiving this objection, FPUC states that [REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Respondent: Bill Adams

[REDACTED]

Respondent: Bill Adams

[REDACTED]

[REDACTED]

Respondent: Bill Adams

[REDACTED]

[REDACTED]

Respondent: Bill Adams

Company Response: FPUC objects to this request to the extent that it asks the Company to revise previously provided information to fit format that is different than the format in which the Company holds the information. This is not required under the Florida rules of discovery. Notwithstanding and without waiving this objection, FPUC refers OPC to the response to Citizen's Interrogatory No. 261.

Respondent: Bill Adams

For The Following Questions, Please Respond With Reference To Enercon Services Hereafter Referred To As Vendor 6.

[REDACTED]

Company Response: Please refer to the corrected spreadsheet “OPC ROG 7 No. 270 Vendor 6-Confidential”.

Respondent: Bill Adams

[REDACTED]

Respondent: Bill Adams