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May 17, 2022

BY HAND DELIVERY

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

REDACTED

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2022 MAY 17 PM 3:51
COMMISSION CLERK


Re: **Docket No. 20220049-EI: Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Florida Public Utilities Company**

Dear Mr. Teitzman:

Enclosed for filing on behalf of Florida Public Utilities Company, please find the original and 7 copies of Florida Public Utilities Company's Request for Confidential Classification and Motion for Protective Order pertaining to a certain document provided in response to the Office of Public Counsel's Fourth Requests for Production of Documents to the Company. Also included are on confidential copy and 2 redacted copies of the subject document consistent with the Rule.

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

- COM ___
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- IDM ___
- CLK ___

MEK
cc:(Certificate of Service)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Storm Protection Plan
pursuant to Rule 25-6.030, F.A.C., Florida
Public Utilities Company

DOCKET NO. 20220049-EI

DATED: May 17, 2022

**FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION FOR DOCUMENTS PROVIDED IN RESPONSE TO OFFICE OF
PUBLIC COUNSEL'S FOURTH REQUESTS FOR PRODUCTION AND MOTION FOR
PROTECTIVE ORDER**

Florida Public Utilities Company ("FPUC" or "Company") by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with Rule 25-22.006(3), Florida Administrative Code, hereby submits its Request for Confidential Classification for the document provided in response to the Office of Public Counsel's Request for Production No. 4.e (BATES FPUC-SPP 1819), which is a diagram of the distribution and transmission facilities on Amelia Island. In support thereof, FPUC hereby states:

1. FPUC seeks confidential classification of the entire highlighted diagram as proprietary confidential business information consistent with the definition of that term in Section 366.093, Florida Statutes.
2. The information for which FPUC seeks confidential classification is information that it, as well as its power supply partners, treat 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.

3. The subject information provides detailed location information regarding key structures and system information regarding FPUC's facilities on Amelia Island. This information, at this level of detail, is treated by the Company as confidential, as disclosure of this information presents significant security concerns. Release of the referenced information as a public record would substantially increase the risk of physical or cyber harm to FPUC's business operations and ratepayers by impairing its ability to effectively and safely provide service to customers on the island. Thus, the information meets the definition of "proprietary confidential business information" as set forth in Section 366.093(3)(c), Florida Statutes. As such, FPUC requests that the Commission protect this information consistent with Rule 25-22.006, Florida Administrative Code.

4. Included with this Request is a highlighted copy of the diagram provided in response to Document Request 4(e) reflecting the confidential information. Also enclosed are two redacted copies of the diagram.

5. FPUC 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, FPUC respectfully requests that the confidential information be returned to the Company.

6. 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 to the Office of Public Counsel.

7. 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:

[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.

8. The information at issue falls squarely under Section 366.093(3)(c), Florida Statutes. Release of the referenced information as a public record would constitute a heightened security risk for the Company. As such, FPUC requests that the Commission grant this Request for Confidential Classification and Motion for Protective Order

9. 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 diagram provided in response to the Office of Public Counsel's Request for Production No. 4(e) (BATES FPUC-SPP-1819) be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 17th day of May, 2022.

A handwritten signature in black ink, appearing to read "Beth Keating", written over a horizontal line.

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