

State of Florida




Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 18, 2022

TO: Ryan Sandy, Senior Attorney, Office of the General Counsel

FROM: Dale R. Buys, Public Utilities Supervisor, Division of Accounting & Finance 

RE: Staff recommendation on confidentiality of certain information provided in FPUC's response to the Attachment for Interrogatory No. 76 in OPC's 1st Set of Interrogatories, and OPC's 1st request for Production of Documents (Nos. 41 and 42).

DOCKET NO: 20220067-GU DOCUMENT NO: 04477-2022

SOURCE: Florida Public Utilities Company

On July 5, 2022, Florida Public Utilities Company (FPUC) filed a request for confidential classification pursuant to Section 366.093(3)(d) and (e) of the Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C), for information contained in FPUC's response to OPC's First Set of Interrogatories, No. 76, and OPC's First Request for Production of Documents Nos. 41 and 42.

FPUC claims the documents provided in response to the Attachment for Interrogatory 76, and Request for Production of Documents Nos. 41 and 42, constitute tax audit documents, and tax returns consolidated with other Chesapeake corporate entities. FPUC claims these documents are all treated as highly confidential. The Commission has traditionally considered tax returns and tax information to be confidential, and disclosure of this information would impair FPUC's competitive interests by providing competitors with unfair insight into FPUC's finances. Given their competitively sensitive nature and the fact that redaction would render these documents blank, FPUC respectfully requests that these documents be granted confidential classification in their entirety as the material is consistent with the definition of proprietary confidential business information as set forth in Section 366.093(3)(d) and (e), F.S.

Staff reviewed the available documents and information included in the discovery response and concurs with FPUC. In staff's opinion, the FPUC's request meets the criteria for confidentiality set forth in Section 366.093(3)(d) and (e), F.S., and Rule 25-22.006, F.A.C. Therefore, staff recommends that FPUC's request for confidential classification of the information contained in FPUC's response to OPC's First Set of Interrogatories, No. 76, and OPC's First Request for Production of Documents Nos. 41 and 42 included in Document No. 04477-2022 be approved.

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-M-E-M-O-R-A-N-D-U-M-

DATE: July 7, 2022

TO: Division of Economics, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION
DOCKET NO: 20220067-GU DOCUMENT NO: 04477-2022
DESCRIPTION: FPUC (Keating) - (CONFIDENTIAL) Certain portions of responses to Citizens' 1st set of interrogatories (Nos. 1-120) and 1st requests for PODs (Nos. 1-59).
SOURCE: Florida Public Utilities Company

The above confidential material was filed along with a request for confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (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 information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by DRB on 7/18/22, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.