



January 6, 2025

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BY E-FILING

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

Re: Docket No. 20240099-EI - Petition for rate increase by Florida Public Utilities Company

Dear Mr. Teitzman:

Attached, for electronic filing, on behalf of Florida Public Utilities Company, please find the Company's Amended Request for Confidentiality and Motion for Protective Order (xref: Document No. 9755-2024).

Sincerely,

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

Cc: (Service List)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Public Utilities Company.

DOCKET NO. 20240099-EI

DATED: January 6, 2025

**FLORIDA PUBLIC UTILITIES COMPANY'S AMENDED REQUEST FOR
CONFIDENTIAL CLASSIFICATION FOR INFORMATION 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(4), Florida Administrative Code, hereby submits its Amended Request for Confidential Classification and Motion for Protective Order for information contained in documents provided in response to Staff's Seventh Set of Data Requests, which were previously submitted under separate cover on October 31, 2024. The Company's Request for Confidentiality also submitted on October 31, 2024, and is hereby amended solely for the purpose of including the additional request, pursuant to Rule 25-22.006(6), Florida Administrative Code, that the Commission also issue a Protective Order covering the subject information to the extent the information has been requested by the Office of Public Counsel. In support thereof, FPUC hereby states:

1. An attachment provided in response to Data Request No. 1 of the Seventh Set, Confidential DR 7.1, contains certain information regarding unregulated affiliates and subsidiaries of FPUC's parent, Chesapeake Utilities Corporation ("Chesapeake"), that operate in other states that the Company treats as competitively sensitive, proprietary information. The information included in the document is treated by the Company and its parent as competitively sensitive information about Chesapeake's internal operations that, if released, could be detrimental to the competitive operations of those entities, as well as Chesapeake's opportunities to obtain financing for its various markets. Thus,

disclosure of this information publicly could be detrimental to Chesapeake, which would ultimately be detrimental to the Company and its customers.

2. The information at issue is, as noted, considered competitively sensitive, proprietary confidential business information by FPUC and Chesapeake, and has not otherwise been disclosed publicly. As such, the information for which FPUC seeks confidential classification meets the definition of “proprietary confidential business information” as set forth in Section 366.093(3)(e), Florida Statutes, which provide:

(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.

4. Specifically, FPUC seeks confidential classification for the yellow highlighted information in Confidential DR 7.1 the following (lines/pages) in the referenced document:

Document	Page/Line/Location	Description	Rationale
<i>Confidential DR 7.1</i>			

Document	Page/Line/Location	Description	Rationale
<i>Confidential DR 7.1</i>			
[Distrigas-used for plant and AD sheet]	Line 5 – Method/Other Descriptions – Columns E-Q and s-AK.	Company codes for competitive businesses under Chesapeake <u>ownership</u>	Highlighted information includes specific internal business operations
[Revenue Allocation Sheet]	Highlighted information in column A, lines 5-10	Unregulated and semi-regulated companies under Chesapeake ownership	information regarding Chesapeake affiliates in other states and/or that are unregulated.
[Total Payroll based on 2024 MMM Distrigas Report sheet]	Column A, lines 10-14	Company codes for competitive, unregulated and semi-regulated companies under Chesapeake <u>ownership</u>	The disclosure of this information would impair the Chesapeake’s competitive interests in a number of areas, which would ultimately harm FPUC’s operations and ability to compete. The information is treated by FPUC and Chesapeake as confidential and has otherwise not been publicly disclosed. (Section 366.093(e))

5. The information at issue falls squarely under Section 366.093(3)(e), Florida Statutes. Release of the referenced information as a public record would harm Chesapeake’s business operations and ratepayers by impairing its unregulated, competitive businesses, its businesses

in other states, and its potentially, its ability to obtain financing for all its businesses on optimal terms, which would ultimately have a negative impact on FPUC. As such, FPUC requests that the Commission afford this information confidential treatment and thus exempt from Section 119.07, Florida Statutes, and also issue a protective order likewise exempting the information from Section 119.07, Florida Statutes, while it is in the possession of the Office of Public Counsel.

6. Included with this Request is a highlighted copy of the referenced document. Given the nature of the documents as Excel spreadsheets, both the highlighted and redacted copies of the information are provided on flash drive only.

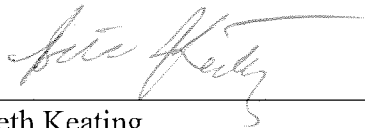
7. FPUC asks that confidential classification be granted for a period of at least 18 months. Should the Commission no longer find that it needs to retain the information, FPUC respectfully requests that the confidential information be returned to the Company. Likewise, the Company requests that the Office of Public Counsel be required to return the information to the Company at the conclusion of this proceeding.

WHEREFORE, FPUC respectfully requests that:

- 1) the highlighted portions of the spreadsheet identified as Confidential DR 7.1 submitted in response to Staff's Seventh Set of Data Requests be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes; and
- 2) the Commission issue a protective order for the same information to the extent it is being provided to the Office of Public Counsel in response to a data request; and

- 3) that any Order issued grant confidential classification for a period of at least 18 months from the issuance of the Commission's Order.

RESPECTFULLY SUBMITTED this 6th day of January, 2025.




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

CERTIFICATE OF SERVICE

I HEREBY ATTEST that a true and correct copy of the foregoing Request for Confidentiality has been served upon the following by Electronic Mail (request only) this 6th day of January, 2025:

<p>Suzanne Brownless Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us discovery-gcl@psc.state.fl.us</p>	<p>Walt Trierweiler/P. Christensen / Charles Rehwinkel/Mary Wessling/Octavio Ponce/Austin Watrous Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 Trierweiler.Walt@leg.state.fl.us Wessling.Mary@leg.state.fl.us Rehwinkel.Charles@leg.state.fl.us Christensen.patty@leg.state.fl.us Ponce.octavio@leg.state.fl.us Watrous.austin@leg.state.fl.us</p>
<p>Michelle Napier Florida Public Utilities Company 1635 Meathe Drive West Palm Beach FL 33411 mnapier@fpuc.com</p>	

By: 
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