

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Public Utilities Company.

DOCKET NO. 070300-EI

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

DOCKET NO. 070304-EI

ORDER NO. PSC-08-0124-CFO-EI

ISSUED: February 26, 2008

ORDER GRANTING FLORIDA PUBLIC UTILITIES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 00558-08)

On January 22, 2008, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Public Utilities Company (FPUC) filed a request for confidential classification for information contained in Exhibits CMMR5 and CMMR6 of the prefiled rebuttal testimony of FPUC witness Cheryl M. Martin filed January 22, 2008 (Document No. 00558-08) in this docket.

Section 366.093(1), Florida Statutes, provides that any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from the Public Records Act. Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes:

- (c) Security measures, systems, or procedures.
- (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.

FPUC contends that information contained in Exhibits CMMR5 and CMMR6 of the prefiled rebuttal testimony of Cheryl M. Martin falls within these categories, and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. FPUC states that this

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information is intended to be and is treated by FPUC as private and has not been publicly disclosed.

FPUC asserts that the information contained in Exhibit CMMR5 for which it seeks confidential status consists of internal company operations and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. FPUC further asserts that the information contained in Exhibit CMMR6 consists of employee personnel information unrelated to compensation, duties, qualifications, or responsibilities, the disclosure of which would impair the competitive business of the provider of the information. FPUC contends that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(c), (e), and (f), Florida Statutes, as proprietary confidential business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms or cause harm to its ratepayers.

FPUC requests that the following information be granted confidential classification:

Document	Description	Page & Line Nos.	Florida Statute	Affiant
Exhibit CMMR5	Confidential Vendor Information	Page 1 – all lines; Page 2 – all lines	366.093(3)(c) and (f)	C. Martin
Exhibit CMMR6		Page 1 – all lines, columns A-J; Page 2 – all lines, columns A-J; Page 3 – all lines, columns A-J; Page 4 – lines 1, 2 – column A	366.093(3)(e) and (f)	C. Martin

Upon review, it appears that the above-referenced information contained in Exhibits CMMR5 and CMMR6 of the prefiled rebuttal testimony of Cheryl M. Martin satisfies the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and, thus, shall be treated as confidential. The information constitutes information concerning security measures, employee personnel information unrelated

to compensation, duties, qualifications, or responsibilities, or information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, I find it appropriate that this information shall be granted confidential classification.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless FPUC or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that Florida Public Utilities Company's Request for Confidential Classification of Document No. 00558-08 is granted. It is further

ORDERED that the information in Document No. 00558-08 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 26th day of February, 2008.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.