

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law
www.lawfla.com

September 28, 2009

BY HAND DELIVERY

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
09 SEP 28 PM 4:16
COMMISSION
CLERK

Re: Docket No. 090001-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company are the following documents:

1. An original and 10 copies of Florida Public Utilities Company's Preliminary List of Issues and Positions; and
2. An original and 10 copies of Florida Public Utilities Company's Request for Confidential Treatment.

Thank you for your assistance in this matter.

Sincerely,

Norman H. Horton, Jr.

NHH:amb
Enclosures

cc: Mr. Curtis D. Young
Parties of Record

COM	_____
BOB	8
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LLP	_____
ENC	_____
NSA	_____
ADM	_____
CLK	1

DOCUMENT NUMBER-DATE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost)
Recovery Clause and Generating)
Performance Incentive Factor)
_____)

Docket No. 090001-EI
Filed: September 28, 2009

**FLORIDA PUBLIC UTILITIES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Public Utilities Company ("FPUC" or "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, herewith submits this Request for Confidential Classification of information contained in FPUC's Preliminary List of Issues and Positions. In support of this Request, FPUC would state:

1. On September 11, 2009, FPUC filed its testimony and exhibits in support of the purchased power cost recovery factor to be applied to customer bills in 2010. Accompanying that filing was a request for confidential treatment of portions of the schedules on the basis that the identified information consisted of contractual data and information relating to competitive interests and thus exempt from disclosure pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

2. The Preliminary List of Issues and Positions contains some of the numbers for which confidential treatment has been requested. Specifically, FPUC's position for Marianna on Issue 12, the net fuel and purchased power recovery amount, has previously been identified as confidential and proprietary and a request for confidential classification is pending.

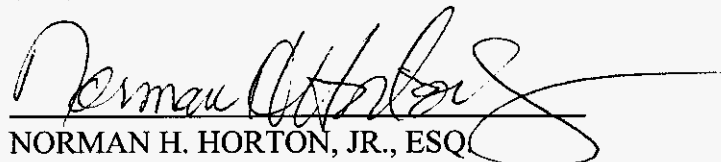
3. FPUC would incorporate herein the request filed September 11, 2009 and would add that disclosure of the projected fuel and purchased power recovery amount would disclose terms of the negotiated purchased power agreement which are considered and treated as

confidential. FPUC purchases power from Gulf Power Co. pursuant to a contract which was competitively bid and the costs to FPUC under the Agreement reflect the results of negotiations between the parties. Disclosure of those as well as numbers from which those costs can be calculated would harm both companies and their customers and impair their ability to negotiate favorable terms. The numbers are considered to be and are treated as confidential proprietary business information pursuant to Section 366.093(3)(d) and (e).

Wherefore, FPUC requests the Commission to enter its order granting confidential treatment to the specified numbers.

DATED this 28th day of September, 2009.

Respectfully submitted,
MESSER, CAPARELLO & SELF, P. A.
Post Office Box 15579
Tallahassee, FL 32317
(850) 222-0720


NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by U. S. Mail this 28th day of September, 2009 upon the following:

Erik L. Saylor, Esq.
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Patricia Christensen, Esq.
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Rm 812
Tallahassee, FL 32399-1400

John T. Burnett, Esq.
Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, FL 33733-4042

Ms. Paula K. Brown
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601-0111

Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 E. College Avenue, Suite 800
Tallahassee, FL 32301

John Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

R. Wade Litchfield
Vice President and Associate General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

John W. McWhirter, Jr. Esq.
McWhirter Reeves & Davidson, P.A.
P.O. Box 3350
Tampa, FL 33601-3350

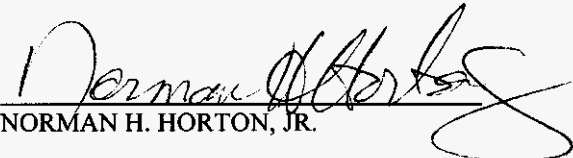
Ms. Susan D. Ritenour
Secretary and Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Steve R. Griffin, Esq.
Beggs & Lane Law firm
P.O. Box 12950
Pensacola, FL 32591-2950

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

James W. Brew
Brickfield, Burchette, Ritts & Stone, P.C.
Eighth Floor, West Tower
1025 Thomas Jefferson Street, NW
Washington, DC 20007

Shayla L. McNeill, Capt. USAF
AFLSA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319


NORMAN H. HORTON, JR.

STATE OF FLORIDA

COMMISSIONERS:
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KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: September 28, 2009

TO: Norman Horton, Messer Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090001 or, if filed in an undocketed matter, concerning information contained in Preliminary List of Issues and Positions, and filed on behalf of Florida Public Utilities Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE
09990 SEP 28 09
FPSC-COMMISSION CLERK

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us