

Marguerite McLean

090001-EI

From: Ann Bassett [abassett@lawfla.com]
Sent: Wednesday, December 09, 2009 4:05 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 090001-EI
Attachments: 2009-12-09, 090001, FPUC Request for Continued Confidential Treatment.pdf

The person responsible for this electronic filing is:

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The Docket No. is 090001-EI Fuel and Purchased Power Cost Recovery Clause and Generating Performance Incentive Factor

This is being filed on behalf of Florida Public Utilities Company

Total Number of Pages is 5

Florida Public Utilities Company's Request for Continued Confidential Treatment

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FPSC-COMMISSION CLERK

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December 9, 2009

ELECTRONIC FILING

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

Re: Docket No. 090001-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is Florida Public Utilities Company's Request for Continued Confidential Treatment in the above referenced docket.

Thank you for your assistance in this matter.

Sincerely,



Norman H. Horton, Jr.

NHH:amb
Enclosures

cc: Mr. Curtis D. Young
Mr. Larry Harris
Parties of Record

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FPSC-COMMISSION CLERK

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: December 9, 2009

REQUEST FOR CONTINUED CONFIDENTIAL TREATMENT

Comes now Florida Public Utilities Company ("FPUC"), and requests continued confidential treatment of portions of the Agreement for Generation Services between FPUC and Gulf Power Company (the "Agreement"). As basis, FPUC states:

1. In response to a data request from staff in Docket No. 080001-EI, FPUC provided a copy of the Agreement for Generating Services between Gulf Power Company ("Gulf") and FPUC. The Agreement establishes the terms, conditions, prices, and other contractual terms for power purchases from Gulf.

2. When the document was filed, there was a request for confidential treatment for a portion of the Agreement. The Commission has retained the copy of the Agreement and treated it as confidential, but no order has been entered. For the reasons provided herein, FPUC requests that the Commission continue to treat portions of the Agreement as confidential.

3. The portion of the Agreement for which confidential treatment was — and is — requested are the monthly capacity rates to be paid by FPUC to Gulf for the term of the Agreement. These rates, within the definition of "Monthly Capacity Rate" in the table on page 11 of the Agreement, were the result of negotiation between the parties and are considered to be proprietary and confidential by both FPUC and Gulf. The disclosure of this information would

impair the efforts of both parties to negotiate with other supplies, or purchasers, on favorable terms and would put both at a competitive disadvantage. Moreover, disclosure of this information would be detrimental to the interests of the parties and their customers.

4. Section 366.093, Florida Statutes, allows for an exemption from Section 119.07(1), Florida Statutes, for records shown to be proprietary confidential business information. Section 366.093(3) (d) and (e) describe proprietary confidential business information to include:

(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliate 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.

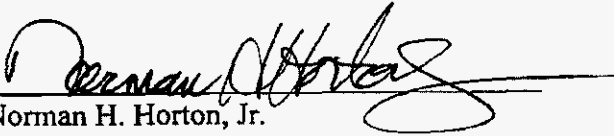
The monthly capacity charges set forth in the Agreement are contractual data and relate to competitive interests and thus are proprietary confidential business information under these definitions and FPUC requests that the Commission so find.

5. FPUC has previously filed the document with the Commission and thus has not included another copy herein.

For the reasons provided herein, FPUC requests that the Commission continue to treat portions of the Agreement as confidential.

Dated this 9th day of December, 2009.

Respectfully submitted,
MESSER, CAPARELLO & SELF, P.A.
Post Office Box 15579
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Norman H. Horton, Jr.

Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail and U.S. Mail (*) this 9th day of December, 2009 upon the following:

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