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October 10, 2011

BY HAND DELIVERY

Ms. Ann Cole, Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

claim of confidentiality
notice of intent
7
request for confidentiality
filed by OPC

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authorized to view this DN.-CLK

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11 OCT 10 PM 2:36
COMMISSION
CLERK


Docket No.: ^{GU MM} 110271-~~GP~~ - Petition by Peninsula Pipeline Company for Approval of Agreement with Florida Public Utilities Company

Dear Ms. Cole:

Enclosed for filing, please find the original and 7 copies of Peninsula Pipeline Company's Request for Confidentiality for information contained in its Transportation Service Agreement with Florida Public Utilities Company. Enclosed with this filing is one highlighted and two redacted copies in accordance with the Rule.

Thank you for your assistance with this filing. As always, please don't hesitate to contact me if you have any questions whatsoever.

Sincerely,


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

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Approval of Transportation)
Service Agreement with Florida Public)
Utilities Company by Peninsula Pipeline)
Company, Inc.)

DOCKET NO.

110271-~~GR~~ ^{GU} *NUM*

FILED:

October 10, 2011

PENINSULA PIPELINE COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

Peninsula Pipeline Company ("Peninsula" or "Company") by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with Rule 25-22.006(3), Florida Administrative Code, hereby submits its Request for Confidential Classification for information contained in Attachment A (Transportation Services Agreement) to its Petition for Approval of Transportation Service Agreement with Florida Public Utilities Company ("FPUC")(cross-referenced Document No. 06753-11), originally filed on September 19, 2011, with a Notice of Intent. In support thereof, Peninsula hereby states:

1. Peninsula seeks confidential classification of the highlighted rates and terms in the Agreement, which represent contractual information that both Peninsula and FPUC treat as proprietary confidential business information consistent with the definition of that term in Section 366.093, Florida Statutes.

2. The information for which Peninsula seeks confidential classification is information that the Company and FPUC both treat as confidential, and that meets the definition of "proprietary confidential business information" as set forth in Section 366.093(3), Florida Statutes, which provides:

(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

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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.

3. Specifically, Peninsula seeks confidential classification of the information in Exhibit A to the Firm Transportation Service Agreement, at p. 7. The subject information is set forth and referenced as follows:

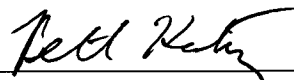
- Data in Column identified as “MDTQ, in Dekatherms, excluding Fuel Retention”
- Data associated with line identified as: “Total MDTQ (Dekatherms)”
- Data associated with line identified as: “Fuel Retention Percentage”
- Data associated with and in the first line of section titled: “Monthly Reservation Charge”
- Rate associated with column/line identified as: “Unauthorized Use Rate (In addition to Monthly Reservation Charge)”

Release of the referenced information as a public record would harm both Peninsula and FPUC's business operations and ratepayers by impairing the Companies' respective abilities to effectively negotiate for goods and services. As such, Peninsula requests that the Commission protect this information consistent with Rule 25-22.006, Florida Administrative Code.

4. Included with this Request is a highlighted copy of the Transportation Service Agreement reflecting the confidential information. Also enclosed are two redacted copies of the Agreement.
5. Peninsula 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, Peninsula respectfully requests that the confidential information be returned to the Company.

WHEREFORE, Peninsula respectfully requests that the highlighted information contained in its Transportation Service Agreement with Florida Public Utilities (cross-referenced Document No. 06753-11) be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 10th day of October, 2011.

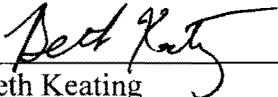


Beth Keating
Gunster, Yoakley & Stewart, P.A.
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Tallahassee, FL 32301
(850) 521-1706

CERTIFICATE OF SERVICE

I HEREBY ATTEST that a true and correct copy of the foregoing Request, with a redacted copy of the Agreement, has been served upon the following by U.S. Mail this 10th Day of October, 2011:

Office of the Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400	Mr. Tom Geoffroy 401 South Dixie Highway West Palm Beach, FL 33401-5886
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