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From: Keating, Beth [BKeating@gunster.com]
Sent: Wednesday, October 26, 2011 12:12 PM
To: Filings@psc.state.fl.us
Cc: 'Christensen.Patty@leg.state.fl.us'; Keino Young; Denise Vandiver; Thomas A. Geoffroy
Subject: Docket No. 110133-GU
Attachments: 20111026113815801.pdf

Attached for electronic filing in the referenced docket, please find a copy of FPUC's Request for Protective Order.

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a. Person responsible for this electronic filing:

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b. Docket No. 110133-GU - **Petition for approval of acquisition adjustment and recovery of regulatory assets, and request for consolidation of regulatory filings and records of Florida Public Utilities Company and Florida Division of Chesapeake Utilities Corporation.**

c. On behalf of: Florida Public Utilities Company

d. There are a total pages: 5

e. Description: Request for Protective Order



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October 26, 2011

BY ELECTRONIC FILING

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

Re: Docket No. 110133-GU: **Petition for approval of acquisition adjustment and recovery of regulatory assets, and request for consolidation of regulatory filings and records of Florida Public Utilities Company and Florida Division of Chesapeake Utilities Corporation.**

Dear Ms. Cole:

Attached for filing, please find Florida Public Utilities Company's Request for Protective Order addressing certain confidential information submitted to the Commission on October 20, 2011.

Thank you for your assistance with this filing. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Beth Keating
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215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

cc:/ Docket Certificate List

DOCUMENT NUMBER- DATE

07884 OCT26 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of acquisition)
adjustment and recovery of regulatory)
assets, and request for consolidation of)
regulatory filings and records of Florida)
Public Utilities Company and Florida)
Division of Chesapeake Utilities)
Corporation.)
_____)

Docket No. 110133-GU

Filed: October 26, 2011

**FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR
PROTECTIVE ORDER**

Florida Public Utilities Company ("FPU" or "Company") by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6)(a) and (c), Florida Administrative Code, hereby submits its Request for a Protective Order for information contained in its Responses to Staff's Third Data Request to the Company in the referenced Docket, and asks that the Commission issue an Order exempting the referenced information from Section 119.07(1), Florida Statutes, while such information is in the possession of the Office of Public Counsel ("OPC") (reference Document No. 07709-11). In support thereof, FPU hereby states that:

1. Certain specified information included in its Responses to Staff's Third Data Request includes financial information and corporate strategic information that has not otherwise been publicly disclosed. FPU filed a Request for Confidential Classification addressing this information on October 20, 2011. As previously stated in that Request, if disclosed, particularly out of context, this information could both harm the Company's ability to continue to obtain financing on favorable terms and impair the Company's ability to contract for goods and services on favorable terms, which would ultimately have detrimental impacts on the Company's ratepayers, as well as the Company's business operations.

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2. The information for which FPU has sought confidential classification and now seeks a protective order is information that the Company treats 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 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.

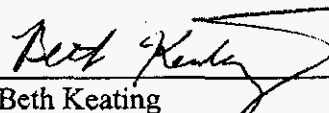
Specifically, FPU seeks a protective order addressing Exhibit 3.3 to its Responses. Portions of Exhibit 3.3 reveal internal corporate information, the disclosure of which, out of context, could have unintended, detrimental impacts on the Company's financing and operations that could, ultimately, have an adverse impact on the Company's ratepayers.

3. By email to the Commission Clerk sent on October 21, 2011, the OPC requested a copy of the confidential portions of FPU's responses to Staff's Data Requests. To be clear, FPU does not dispute OPC's request to obtain a copy of the information. Rather, FPU seeks a protective order that, consistent with Rule 25-22.006(6)(b), Florida Administrative Code, ensures that the

document will be protected and exempt from Section 119.07(1), Florida Statutes, while in OPC's possession.

WHEREFORE, FPU respectfully requests that a Protective Order be issued protecting the confidential portions of its Responses to Staff's Third Data Request (Exhibit 3.3) in accordance with Rule 25-22.006(6)(b), Florida Administrative Code..


RESPECTFULLY SUBMITTED this 26th day of October, 2011.


Beth Keating
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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 has been served upon the following by U.S. Mail this 26th Day of October, 2011:

<p>Patricia Christensen Office of the Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400</p>	<p>Keino Young, Esquire Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850</p>
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