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June 2, 2014

BY HAND DELIVERY

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

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COMMISSION
CLERK

Re: Docket No. 140025-EI -Application for rate increase by Florida Public Utilities Company.

Dear Ms. Stauffer:

Enclosed for filing, please find the original and seven copies of Florida Public Utilities Company's Request for Confidential Classification and Motion for Temporary Protective Order in the referenced proceeding. Also enclosed are 2 CDs which contain the subject confidential material. FPU asks that the referenced "CD 1" and "CD 2" be treated as confidential in their entirety.

Please do not hesitate to contact me if you have any questions whatsoever regarding this filing.

Sincerely,

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

COM |
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Cc:/Service List (Docket 140025-EI)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: **Application for rate increase by** | DOCKET NO. 140025-EI
Florida Public Utilities Company.

DATED: June 2, 2014

REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR A TEMPORARY
PROTECTIVE ORDER

Florida Public Utilities Company (“FPU” or “Company”), by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with the provisions of Rule 25-22.006(4) and 25-22.006(6)(c), Florida Administrative Code, hereby submits its Request for Confidential Classification and for Issuance of a Temporary Protective Order to protect information provided in the Company’s responses to the First Set of Interrogatories and First Requests for Production of Documents served upon FPU by the Office of Public Counsel (“OPC”). Confidential information submitted in response to OPC’s discovery requests are deemed by the Company to be confidential in their entirety and have been provided on a separate CDs (one containing Interrogatory Attachments and the second containing Production Responses) labelled “Confidential.” The Company asks therefore that the referenced “Confidential” CDs be treated as confidential in their entirety. In support of this Request, FPU states that:

1. On April 28, 2014, FPU filed its Petition for Approval of a Rate Increase and Request for Interim Increase, along with the requisite MFRs.
2. On May 2, 2014, the OPC served FPU with its First Set of Interrogatories (Nos. 1-41) and First Requests for Production of Documents (Nos. 1-35) in this proceeding.

3. The Company's responses to OPC's discovery requests include information and documents that FPU treats as confidential information, the disclosure of which could be harmful to the Company's business operations, as well its ratepayers.
4. The information at issue is, as noted, considered proprietary confidential business information and has not otherwise been disclosed publicly. It involves information regarding the internal audit controls reports of internal auditors, information relating to FPU's competitive interests, and specific employee information, which if disclosed, could impair the Company's ability to retain qualified personnel in key positions.
5. The information for which FPU seeks confidential classification is information 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.

6. Specifically, FPUC seeks confidential classification and a Protective Order for all information in the referenced responses, as set forth below:

Response	Document	Rationale
Response to Interrogatory 12/Attachment	Excel Spreadsheet/IPP Targets and Achieved Goals	Competitively sensitive information, the disclosure of which could impair the Company's market position, as well as its ability to compete for and retain qualified employees
Response to Interrogatory 14/Attachment 14A	Stock-based compensation summary and stock-based compensation expense	Competitively sensitive information, the disclosure of which could impair the Company's market position, as well as its ability to compete for and retain qualified employees
Response to Interrogatory 14/Attachment 14B	Performance Share Agreement/Chesapeake Utilities Corporation	Highly sensitive, contractual agreement, which provides specific terms applicable to Performance Sharing awards of shares of common stock, the disclosure of which would impair the Company's market position, as well as its ability to compete for and retain qualified employees
Production Request 6/ 10 Attachments	Internal Audit Reports for: Cash Processing; Sales Commissions; Deposits in Aid of Construction; Vegetation Management 2012; Credit Balance Refunds 2012; Joint Use of	Reports of FPU/Chesapeake Internal auditors, the disclosure of which could impair the Company's business operations and, ultimately, its ratepayers

Response	Document	Rationale
	Poles 2013; ECIS Muni Tax Rates; Vehicle Maintenance; FPU Service Orders; Control Log	
Production Request 11/2 Attachments (11a and 11b)	Consultant Agreement with Christensen Associates; Contract for Representation by Gunster Law Firm	Contracts for services by consultants and law firm, the terms of which are protected and maintained as confidential by both parties. Disclosure of this information could impair FPU's ability to contract for goods and services with other providers of similar services.
Production Request 14/ 11 Attachments 14A through 14K	A – Bonus Plan for Mr. Webber; B – Bonus Plan for Mr. Householder; C – Long Term Awards/Webber; D – Long Term Awards/Householder; E – Long Term Awards/Webber/2016; F – IPP Bonus Summary; G – Householder Performance Share Agreement; H - Householder Performance Share Agreement (2016); I – Householder Performance Target;	Competitively sensitive information, the disclosure of which could impair the Company's market position, as well as its ability to compete for and retain qualified employees, as well as highly sensitive, contractual agreements and employment terms, which provide specific terms applicable to Performance Sharing awards of shares of common stock, the disclosure of which would impair the Company's market position, as well as its ability to compete for and retain qualified employees

Response	Document	Rationale
	<p>J – Householder/Performance Share Agreement; K – Long Term Bonus Plan - Webber</p>	
<p>Production Request 17/ 3 Attachments – 17B, 17D, and 17I</p>	<p>Highlighted versions of the Testimonies of Witnesses Martin, Cutshaw/Shelley, and Householder, as filed with original Request for Confidentiality on 4/28, as follows: <u>Martin</u>: Page 62, line 24 Page 63, lines 1, 8, 11 Page 64, line 1; <u>Cutshaw/Shelley</u>: Page 37, lines 1 – 7, 17, 21-22 Page 38, lines 1 - 18 Page 55, lines 9 – 20; <u>Householder</u>: Page 16, lines 19-21, 23 Page 17, lines 1-6, 14</p>	<p>Provides detailed information regarding proposed term of agreement/project as well as expected costs and savings, from which the pricing terms under discussion could be extrapolated. The Company and other parties to the negotiations consider this information highly confidential. Includes information regarding specific size and expected output of facility; benefits expected and specifics regarding type of project and other party.</p>

7. The information set forth in these identified sections is proprietary contractual information that falls squarely under Section 366.093(3)(b), (d), and (e), Florida Statutes. Release of the referenced information as a public record would harm FPU’s business operations and ratepayers by impairing the Company’s planning processes

by releasing competitively (and operationally) sensitive information, which could enable third parties to gain unfair advantage either in competitive situations or in the context of contract negotiations. Similarly, release of the identified employee information could impair FPU's ability to retain certain key personnel and provide competitors and unfair advantage in attracting qualified employees. As such, FPU requests that the Commission afford this information confidential treatment and exempt from Section 119.07, Florida Statutes. Included with this Request are two CDs containing the confidential materials. CD 1 contains the confidential attachments for Interrogatories 12 and 14, which CD 2 contains the confidential responses for Production Requests Nos. 6, 11, 14, and 17.

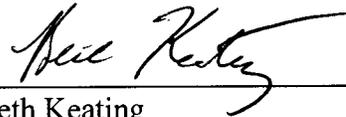
8. FPU further requests that the Commission issue a protective order, in accordance with Rule 25-22.006(6), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel, which is a party to this proceeding.
9. FPU asks that confidential classification be granted for a period of at least 18 months. Should the Commission or the Office of Public Counsel no longer find that it needs to retain the information, FPU respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPUC respectfully requests that:

- 1) the highlighted information contained in the enclosed CDs 1 and 2, which are confidential responses to OPC's First Interrogatories 12 and 14, and First Production Requests Nos. 6, 11, 14, and 17., be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes; and

- 2) that a temporary protective order be issued protecting this information from public disclosure while in the possession of the Office of Public Counsel.

RESPECTFULLY SUBMITTED this 2nd day of June, 2014.



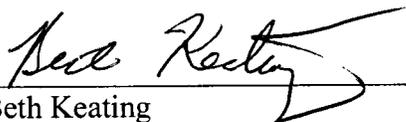
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(850) 521-1706

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing filing has been served by Hand Delivery this 2nd day of June, 2014, upon the following:

Suzanne Brownless, Esquire
Martha Barrera, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
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Patricia A. Christensen, Esquire
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