

Writer's E-Mail Address: bkeating@gunster.com

June 13, 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

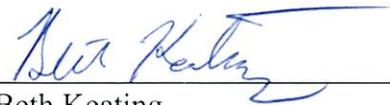
Re: Docket No. 140025-EI -Application for rate increase by Florida Public Utilities Company.

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 for information provided in response to the Third Set of Interrogatories and Third Requests for Production served on the Company by the Office of Public Counsel in the referenced proceeding. Also enclosed is a CD which contains the subject confidential material. FPU asks that the referenced "Confidential" CD be treated as confidential in its 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

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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 13, 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 Third Set of Interrogatories and Third Requests for Production of Documents served upon FPU by the Office of Public Counsel (“OPC”). Confidential information submitted in response to OPC’s Interrogatory No. 83 (Attachment 3rd ROG 83) is deemed by the Company to be confidential in its entirety and has been provided on a separate CD labeled “Confidential”. In addition, in response to OPC’s Production Request No. 59, the Company has agreed that information provided to the OPC and Commission Staff on May 8, 2014, in Docket No. 140001-EI, in response to Citizens’ 1st set of interrogatories (Nos. 1-15) and 1st request for PODs (Nos. 1-5) may be used in the instant proceeding and has provided Bates labeled, redacted copies of same. In lieu of providing a second, duplicative confidential version of Document No. 02178-14, the Company asks that the same be considered confidential for purposes of this docket, consistent with the Company’s May 8, 2014 Request for Confidentiality in Docket No. 140001-EI. The Company asks therefore that the referenced “Confidential” CD be treated as confidential in its

entirety and that Document No. 02178-14, as filed in Docket No. 140001-EI, be treated a confidential for purposes of this Docket. 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 14, 2014, the OPC served FPU with its Third Set of Interrogatories (Nos. 56 - 87) and Third Requests for Production of Documents (Nos. 59 - 83) in this proceeding.
3. The Company's responses to OPC's Interrogatory No. 83 includes documentation 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 relating to FPU's competitive interests, including specific employee information, which if disclosed, could impair the Company's ability to retain qualified personnel in key positions and thus harm the Company's operations and its ratepayers.
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 response, as set forth below:

| Response | Document | Rationale |
|--|--|--|
| <p>OPC Interrogatory No. 83 (24 page Attachment)</p> | <p>OC Service Vendor Detail – Historic Year</p> | <p>Competitively sensitive information, the disclosure of which could impair the Company’s market position, including vendor specific activities and billings, the disclosure of which could impair the Company’s ability to contract for goods and services in the future on favorable terms, as well as audit activity information, which, if disclosed, could impair its competitive interests.</p> |
| <p>Document No. 02178-14 (Docket No. 140001-EI) – Response to OPC’s First Set of Interrogatories and First Requests for Production</p> | <p>Interrogatory Exhibits A & B, as well as responses to Production Requests 1 – 5 in the Fuel and Purchased Power Power Cost Recovery Clause docket</p> | <p>Consistent with Request for Confidentiality filed May 8, 2014, in Docket No. 140001-EI, the information contained therein includes confidential details regarding the development of the referenced</p> |

| Response | Document | Rationale |
|----------|----------|--|
| | | project, including information that is deemed confidential between the Company and its providers pursuant to contract terms and details regarding the development and specifics of the project, which is still under negotiation. Disclosure of this information could impair the continued development and consummation of the project. |

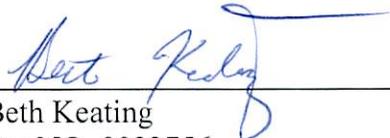
7. The information set forth in these identified sections is proprietary contractual information that falls squarely under Section 366.093(3)(b), (d), and (e), Florida Statutes. Release of the identified employee information could impair FPU’s ability to retain certain key personnel and provide competitors 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 is a CD containing the confidential document responsive to Interrogatory 83.
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:

- 1) that the information contained in the enclosed CD, which is the confidential response to OPC's Third Set of Interrogatories, No. 83, be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes; and
- 2) that the information contained in Document No. 02178-14 in Docket No. 140001-EI be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes, for purposes of this Docket No. 140025-EI; and
- 3) 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 13th day of June, 2014.



Beth Keating
Bar NO. 0022756
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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 13th 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
Tallahassee, FL 32399-0850

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

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