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October 19, 2015

HAND DELIVERY

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

REDACTED

RECEIVED FPSC
15 OCT 19 PM 3:30
COMMISSION CLERK

**Re: Docket No. 150001-EI: Fuel and Purchased Power Cost Recovery Clause with
Generating Performance Incentive Factor**

Dear Ms. Stauffer:

Attached for filing, please find the original and seven copies of Florida Public Utilities Company's Request for Confidential Classification for certain information in the Company's Responses and Objections to the First Set of Interrogatories served upon the Company by the Office of Public Counsel. With this filing are highlighted and redacted copies of the subject information, as required by Rule 25-22.006, F.A.C.

Thank you for your assistance with this filing. As always, please don't hesitate to let me know 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

MEK

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ENG	1
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IDM	1
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

DOCKET NO. 150001-EI

DATED: October 19, 2015

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 Rule 25-22.006(4), Florida Administrative Code, hereby submits its Request for Confidential Classification to protect the information contained in its responses to Office of Public Counsel’s First Set of Interrogatories to the Company. The Company likewise requests the issuance of a Temporary Protective Order to protect this information, in accordance with Rule 25-22.006(6)(c). In support of this Request, FPU states that:

1. The Company seeks confidential classification of the highlighted dollar amounts in the respective lines for Christensen Associates Energy, Pierpont & McLelland, Sterling Energy Service, Kathy Welch, Siemens Industry Inc., and Cantrell Advisors, in each of the columns identified as “2013”, “2014”, and “2015”, of the Company’s response to Interrogatory 1 from OPC. These highlighted amounts reflect information directly pertaining to contractual terms with FPU’s consulting service vendors. The information is treated by the Company and its vendors as competitively sensitive information. To the Company’s knowledge, this information has not otherwise been publicly disclosed. If disclosed in the manner presented in these discovery responses, the disclosure would impair FPU’s ability to negotiate favorable

rates with consulting service vendors in the future to the detriment of the Company and its customers.

2. The information at issue is, as noted, considered proprietary confidential business information by FPU, and has not otherwise been disclosed publicly. Disclosure of this information would publicly reveal information regarding the Company's contracts with consultants that could also adversely impact various projects.
3. The information for which FPU seeks confidential classification 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.

4. The information at issue falls squarely under Section 366.093(3)(d), Florida Statutes. Release of the referenced information as a public record would harm FPU's business

operations and ratepayers by impairing the Company's ability to effectively negotiate for goods and services, as well as impair the ability to bring critical projects to fruition. As such, FPU requests that the Commission afford this information confidential treatment and thus exempt from Section 119.07, Florida Statutes. FPU further requests that the Commission issue a temporary protective order, in accordance with Rule 25-22.006(6)(c), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel in response to the referenced discovery requests.

5. Included with this Request is a highlighted copy of the referenced documents. Also enclosed are two redacted copies of the information.

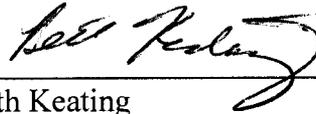
6. FPU asks that confidential classification be granted for a period of at least 18 months. Should the Commission no longer find that it needs to retain the information, FPU respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPU respectfully requests that:

- 1) the highlighted portions of its Responses to the Office of Public Counsel's First Set of Interrogatories, be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes;
- 2) confidential classification be granted for a period of at least 18 months from the issuance of the Commission's Order; and
- 3) a Temporary Protective Order be issued to protect this information when provided to

the Office of Public Counsel.

RESPECTFULLY SUBMITTED this 19th day of October, 2015.



Beth Keating
Bar NO. 0022756
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 618
Tallahassee, FL 32301
(850) 521-1706

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail to the following parties of record this 19th day of October, 2015:

<p>Suzanne Brownless Martha Barrera Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 Sbrownle@PSC.STATE.FL.US</p>	<p>James D. Beasley/J. Jeffrey Wahlen/Ashley Daniels Ausley Law Firm Post Office Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com adaniels@ausley.com</p>
<p>Jeffrey Stone/Russell Badders/Steven Griffin Beggs & Lane P.O. Box 12950 Pensacola, FL 32591-2950 srg@beggslane.com</p>	<p>James W. Brew/Owen Kopon Stone Matheis Xenopoulos & Brew, PC Eighth Floor, West Tower 1025 Thomas Jefferson Street, NW Washington, DC 20007 jbrew@smxblaw.com</p>
<p>John T. Butler Maria Moncada Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420 John.Butler@fpl.com</p>	<p>Kenneth Hoffman Florida Power & Light Company 215 South Monroe Street, Suite 810 Tallahassee, FL 32301 Ken.Hoffman@fpl.com</p>
<p>Ms. Paula K. Brown Tampa Electric Company Regulatory Affairs P.O. Box 111 Tampa, FL 33601-0111 Regdept@tecoenergy.com</p>	<p>Florida Industrial Users Power Group Jon C. Moyle, Jr. Moyle Law Firm 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p>
<p>Mike Cassel Florida Public Utilities Company 1750 SW 14th Street, Suite 200 Fernandina Beach, FL 32034 mcassel@fpuc.com</p>	<p>Florida Retail Federation Robert Scheffel Wright/John T. LaVia Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com</p>

<p>Robert L. McGee, Jr. Gulf Power Company One Energy Place Pensacola, FL 32520 rlmcgee@southernco.com</p>	<p>J.R. Kelly/P. Christensen/C. Rehwinkel/ Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 Kelly.JR@leg.state.fl.us Christensen.patty@leg.state.fl.us Rehwinkel.Charles@leg.state.fl.us</p>
<p>Matthew Bernier Duke Energy 106 East College Avenue, Suite 800 Tallahassee, FL 32301 Matthew.Bernier@duke-energy.com</p>	<p>Dianne M. Triplett Duke Energy 299 First Avenue North St. Petersburg, FL 33701 Dianne.Triplett@duke-energy.com</p>
<p>Raoul G. Cantero, III, Esq. White & Case, LLP Southeast Financial Center, Suite 4900 200 South Biscayne Boulevard Miami, FL 33131-2352 rcantero@whitecase.com</p>	<p>Andrew Maurey Michael Barrett Division of Accounting and Finance Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850 mbarrett@psc.state.fl.us amaurey@psc.state.fl.us</p>

By: _____



Beth Keating
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INTERROGATORY RESPONSES

Please refer to 2016 Project Testimony of Curtis D. Young, page 6, Lines 2-13, where Mr.

Young states:

Christensen and Pierpont have been performing due diligence in their occasional review and analysis of the terms of the current Purchased Power Agreement between FPUC and JEA in the efforts of further discovering avenues towards minimizing cost increases and/or negotiating cost reductions. The resulting savings from their efforts have been included in the 2013, 2014, and 2015 True-up as well as our 2016 Projections. The associated legal and consulting costs, included in the rate calculation of the Company's 2016 Projection factors, were not included in expenses during the last FPUC consolidated electric base rate proceeding and are not being recovered through base rates.

1. For each year 2013, 2014, and 2015, please provide the amount of consulting fees associated with the fuel docket by vendor, including Christensen and Pierpont that were incurred and recorded on the Company's books. Please provide the vendor name, the specific accounts, reflecting the account titles and numbers, and the corresponding dollar amounts incurred per firm for each year in which FPUC incurred consulting costs related to the fuel docket.

COMPANY RESPONSE:

The Company records all of its fuel-related consulting fees recoverable through the Fuel clause into: FERC account no. 557 - Other COG/Electric Other Expense.

The requested charges are as follows:

<u>Vendors</u>	<u>2013</u>	<u>2014</u>	<u>2015*</u>
Christensen Associates Energy	██████████	██████████	██████████
Pierpont & McLelland			██████████

<u>Vendors</u>	<u>2013</u>	<u>2014</u>	<u>2015*</u>
Sterling Energy Service	██████████	██████████	██████████
Kathy Welch		██████████	██████████
Siemens Industry Inc.	██████████		
Cantrell Advisors		██████████	

*-This data is year-to date through August 2015

Respondent: Curtis D. Young