

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

July 15, 2016

VIA HAND DELIVERY

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

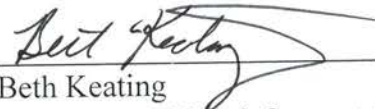
Re: Docket No. 160002-EG – Energy Conservation Cost Recovery Clause

Dear Ms. Stauffer:

Enclosed for filing, please find an original and seven copies of Florida Public Utilities Company's Request for Confidential Classification for Audit Workpapers. Also included, consistent with Rule 25-22.006, Florida Administrative Code, are a highlighted copy of the material and two redacted copies of said material.

Should you have any questions whatsoever, please do not hesitate to contact me. Thank you for your assistance in this matter.

Sincerely,



Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 618
Tallahassee, FL 32301
(850) 521-1706

REDACTED

MEK
Cc://Parties of Record (w/o confidential material)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation)
Cost Recovery Clause)
_____)

Docket No. 160002-EG
Filed: July 15, 2016

FLORIDA PUBLIC UTILITIES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida Public Utilities Company ("FPUC" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby submits this Request for Confidential Classification of certain material contained in Volume 2 of the Commission Staff's audit workpapers associated with FPUC's Energy Conservation Clause Audit, Audit Control No. 16-019-1-8. Specifically, FPUC seeks confidential treatment of information contained in audit workpapers numbered 44-4, 44-5, 44-5.1, 44-6, 44-6.1, 44-7, 44-7.1, 44-8, 44-8.1, 44-8.2, 44-8.3, 44-9, 44-9.1, 44-9.2, 44-9.3, 44-9.4, 44-9.5, 44-9.6, 44-9.7, 44-9.8, and 44-9.9. In support of this Request, FPUC states as follows:

1. The referenced audit workpapers provide detailed information regarding payroll and allocations of payroll expense within FPUC. FPUC treats this information as highly confidential, proprietary business information, which, if disclosed, could harm the Company's business interests.
2. Subsection 366.093(1), Florida Statutes, provides that upon request, records received by the Commission which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)."
3. "Proprietary confidential business information" is defined as meaning "information, regardless of form or characteristics, which is owned or controlled

by the ... company, is intended to be and is treated by the ... company as private in that the disclosure of the information would cause harm to the ratepayers or the 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." Section 366.093(3), Florida Statutes.

4. Proprietary confidential business information includes, but is not limited to, information concerning:

- (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.

Section 366.093(3), Florida Statutes.

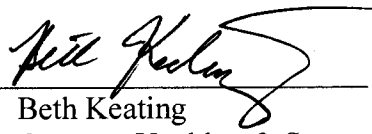
5. The confidential portions of the information provided to, and retained by, the Commission fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. The audit workpapers contain information, which has been treated by FPUC as highly confidential and has not been publicly disclosed, including specific payroll allocations and payout amounts associated with a specific employee. FPUC maintains salary, compensation, and employee account information confidential in

order to prevent other entities from raiding FPUC for its highly qualified, skilled employees. This information, if disclosed, would impair the efforts of FPUC to compete for services, as well as its ability to attract and retain qualified employees. The information therein is therefore proprietary confidential business information and is entitled to continued and ongoing protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

6. Specifically, FPUC seeks confidential treatment of all highlighted names, amounts, and auditor notes in each column on each page of the Audit Workpapers, Volume 2, pages 44-4, 44-5, 44-5.1, 44-6, 44-6.1, 44-7, 44-7.1, 44-8, 44-8.1, 44-8.2, 44-8.3, 44-9, 44-9.1, 44-9.2, 44-9.3, 44-9.4, 44-9.5, 44-9.6, 44-9.7, 44-9.8, and 44-9.9, which consists of 21 pages total.
7. The information at issue falls squarely under Section 366.093(3)(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 ability to effectively negotiate for goods and services. As such, FPUC requests that the Commission deem afford this information confidential treatment and exempt from Section 119.07, Florida Statutes. Included with this Request is a highlighted copy of the referenced documents. Also enclosed are two redacted copies of the information.
8. FPUC asks that confidential classification be granted for a period of at least 18 months. Should the Commission find that it needs to retain the information, FPUC respectfully requests that the confidential information be returned to the Company.

WHEREFORE, FPU respectfully requests that the highlighted information contained in the identified audit workpapers associated with Audit Control Number 16-019-1-8 be classified as “proprietary confidential business information,” and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 15th day of July, 2016.

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

Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail (redacted only) to the following parties of record this 15th day of July, 2016:

Mike Cassel Florida Public Utilities Company 1750 S. 14th Street, Suite 200 Fernandina Beach, FL 32034	Jon C. Moyle, Jr., Esq. Moyle Law Firm 118 North Gadsden St. Tallahassee, FL 32301
Theresa L. Tan, Esq. Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399	Office of Public Counsel J.R. Kelly/Charles Rehwinkel/Patricia Christensen, Esq. c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400
Paula K. Brown Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111	Dianne M. Triplett, Esq. Duke Energy, Inc. P.O. Box 14042 St. Petersburg, FL 33733-4042
Matthew Bernier, Esq. Duke Energy, Inc. 106 E. College Ave., Suite 800 Tallahassee, FL 32301	James D. Beasley, Esq. J. Jeffry Wahlen, Esq. Ashley Daniels, Esq. Ausley & McMullen P.O. Box 391 Tallahassee, FL 32302
Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steve R. Griffin, Esq. Beggs & Lane P.O. Box 12950 Pensacola, FL 32591-2950	Kenneth Rubin, Esq. John Butler, Esq. Maria Moncada, Esq. Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420
Mr. Ken Hoffman, Esq. 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1858	Robert Scheffel Wright, Esq. John T. LaVia, Esq. c/o Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308

<p>Robert L. McGee Gulf Power Company One Energy Place Pensacola, FL 32520-0780</p>	<p>James W. Brew/Laura A. Wynn c/o Stone Law Firm 1025 Thomas Jefferson St., NW, Eighth Washington DC20007-5201</p>
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Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

5/16
AB

Row Labels	Sum of Current Amount
MG400	\$ 44-5.1
[REDACTED]	\$
MG401	\$ 44-6.1
[REDACTED]	\$
MG402	\$ 44-7.1
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[REDACTED]	\$
[REDACTED]	\$
Grand Total	\$

Florida Public Utilities Company
 Energy Conservation Cost Recovery Clause
 Dkt. 160002-E1 ; ACN 16-019-1-8; 12 M E 12/31/15
 Description: MP 411 - RMYD01

CONFIDENTIAL

Note: Lynn McNeil transferred to Human Resources in July and was replaced by Christine Minton.



SURCE



44-51

SOURCE

(PBC)

CONFIDENTIAL

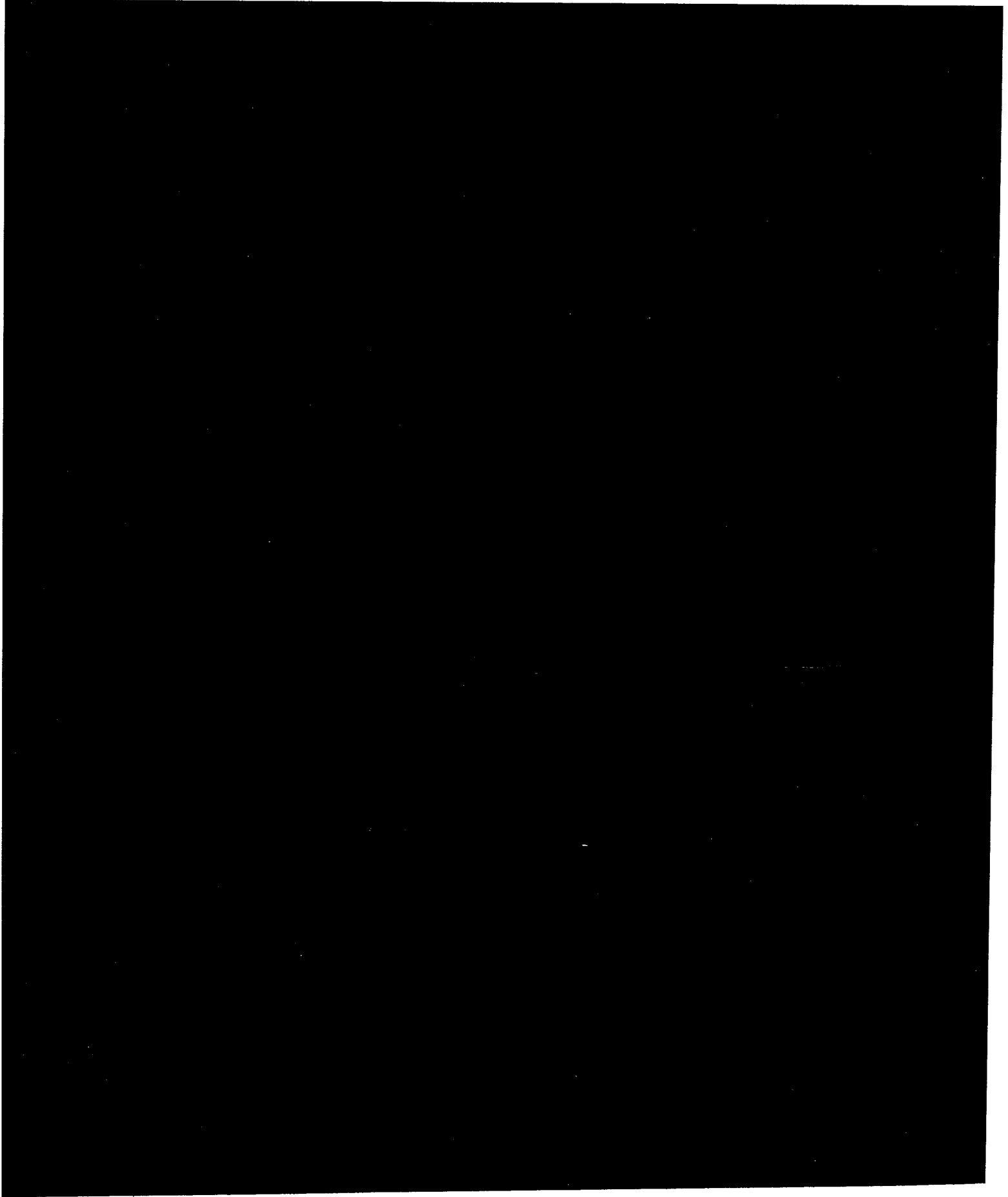
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SOURCE _____

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44-6.1





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44-7.1

SOURCE

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44-8



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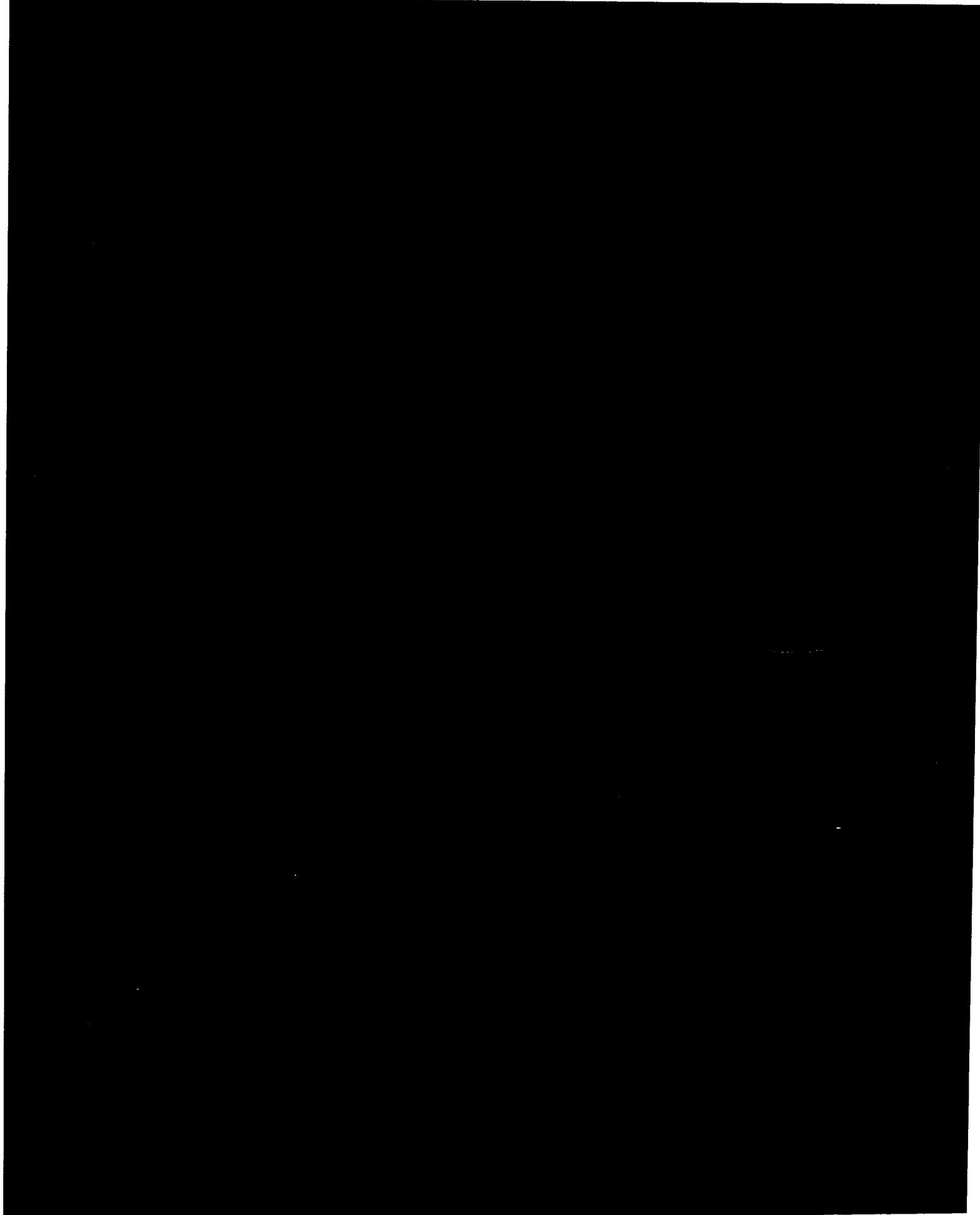
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44-8.3

(PBC)

CONFIDENTIAL



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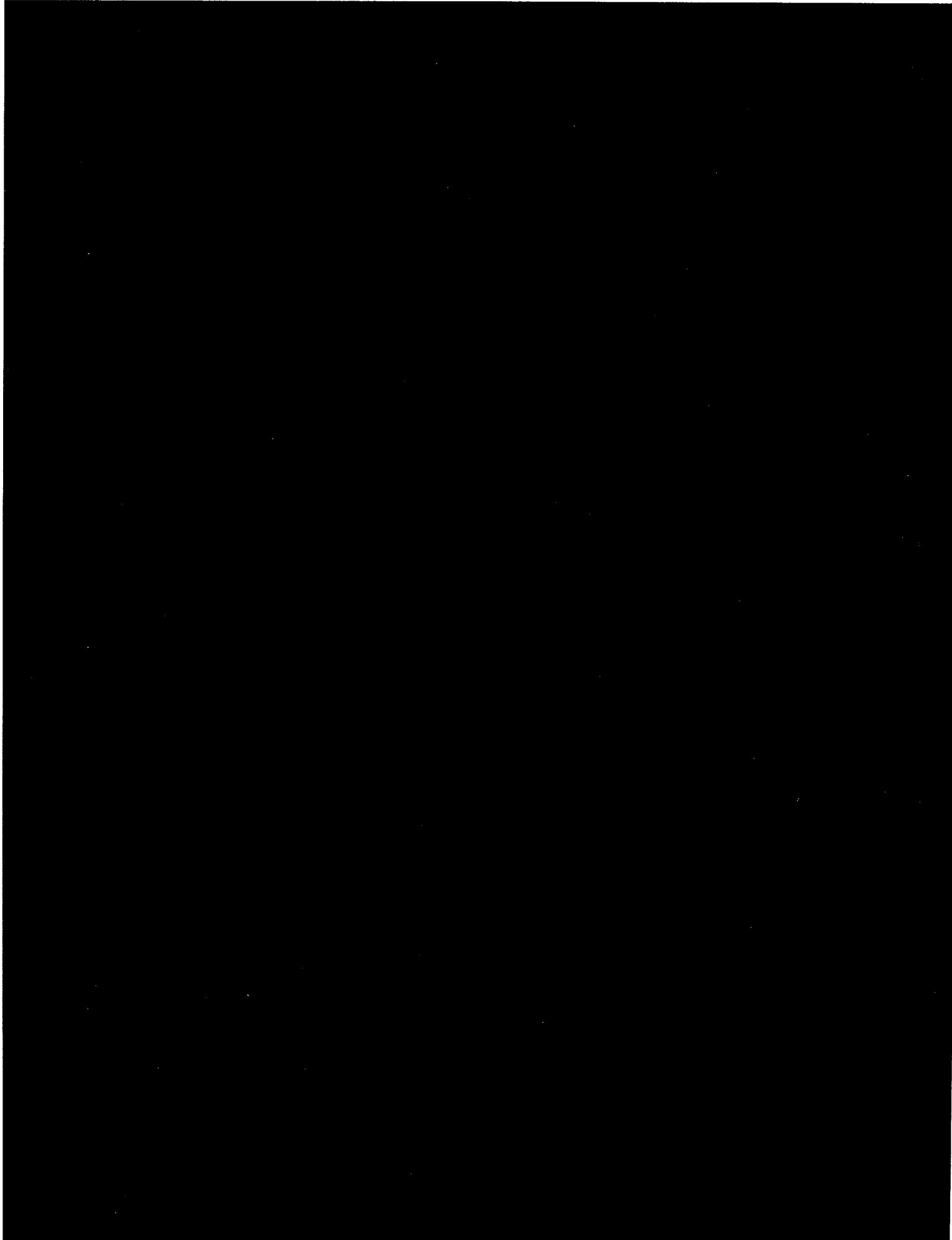
44-9.1



URCE



44-9.3



CONFIDENTIAL



44-9,4



IRCE



Florida Public Utilities Company
Energy Conservation Cost Recovery Clause
Dkt. 160002-E1; ACN 16-019-1-8; 12 M E 12/31/15
Description: WD 441. Payroll

44-9.6

Florida Public Utilities Company
Energy Conservation Cost Recovery Clause
Dkt. 160002-E1; ACN 16-019-1-8; 12 M E 12/31/15
Description: WP 441 - Payroll

44.9.7

RCE



Florida Public Utilities Company
Energy Conservation Cost Recovery Clause
Dkt. 160002-EI; ACN 16-019-1-8; 12 M E 12/31/15
Description: 12/15 - 12/15

44-98

FE 

IRCE

(PBC)

CONFIDENTIAL

44-9.9