

August 16, 2022

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BY HAND DELIVERY

Mr. Adam Teitzman, Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

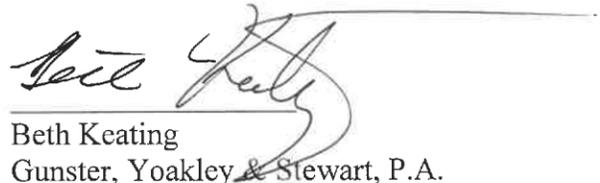
Re: Docket No. 20220067-GU: Petition for rate increase by Florida Public Utilities Company, Florida Division of Chesapeake Utilities Corporation, Florida Public Utilities Company - Fort Meade, and Florida Public Utilities Company - Indiantown Division.

Dear Mr. Teitzman:

Please accept for filing in the above-referenced docket, the original and 7 copies of Florida Public Utilities Company's Request for Confidential Classification and Motion for Protective Order as it pertains to certain documents provided in response today to the Office of Public Counsel's Third Set of Interrogatories and Second Request for Production of Documents to the Company. Documents provided with this request were either not susceptible to redaction/highlighting due to the electronic nature of the files, or because redaction would otherwise produce a blank Excel file. As such, the files are provided herewith on a clearly marked flash drive and are submitted herewith in substantial compliance with the Rule.

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

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: Certificate of Service

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Public Utilities Company, Florida Division of Chesapeake Utilities Corporation, Florida Public Utilities Company - Fort Meade, and Florida Public Utilities Company - Indiantown Division.

DOCKET NO. 20220067-GU

FILED: August 16, 2022

**REQUEST FOR CONFIDENTIAL CLASSIFICATION AND
MOTION FOR PROTECTIVE ORDER**

Florida Public Utilities Company (FPUC or the Company), by and through undersigned counsel pursuant to Rule 25-22.006, Fla. Admin. Code, requests that the Florida Public Service Commission (the Commission) enter an order protecting from public disclosure certain portions of FPUC's responses to Citizens' Third Set of Interrogatories and Second Requests for Production. In support of this request, the Company states:

1. On May 24, 2022, FPUC, including all of its natural gas division and the Florida Division of Chesapeake Utilities Corporation (herein, jointly, FPUC) filed its Petition for Rate Adjustment, Approval of Depreciation Study, Approval of Consolidated Rate Structure and Request for Interim Relief (hereafter, "Petition"), and *inter alia* the prefiled direct testimony and supporting exhibits of its witnesses and Minimum Filing Requirements.

2. On July 22, 2022, OPC served FPUC with its Third Set of Interrogatories (Nos. 123-148) and Second Requests for Production of Documents (PODs) (Nos. 60-62). An attachment responsive to Interrogatory No. 129, as well as several documents responsive to Production Request No 60, contain material and information that FPUC and its affiliates, as well

as the parent company, Chesapeake Utilities Corporation, treat as highly confidential and which has not otherwise been publicly disclosed. In certain instances, the Company considers entire documents to be confidential, the disclosure of which would cause harm to FPUC and its customers.

3. The information for which FPUC 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.

4. Specifically, FPUC seeks confidential classification of information and documents that fall into the following categories: (1) Bonus and incentive compensation information; and (2) Competitively sensitive payroll information¹. The information for which the Company is seeking confidential classification is information provided in response to the following discovery requests in OPC’s Third Set of Interrogatories and Second Requests for

¹ Much of which, the Company notes, has been afforded confidential classification by the Commission in prior FPSC dockets.

Production of Documents: (1) document titled “Confidential OPC Rog 129 – Payroll Dollars _other detail” provided as an attachment to Interrogatory No. 129; and (2) certain documents provided in response to Requests for Production, No. 60 and further described below.

5. With regard to the attachment provided in response to Interrogatory 129, this document contains detailed information regarding employee compensation, which the Company considers to be proprietary confidential business information and strictly protects. This information should be classified as proprietary confidential business information because its disclosure would impair the FPUC’s competitive interests, by providing information that would provide other companies with an unfair advantage in efforts to lure employees away, which would not only drive up salaries - and therefore rates, but create circumstances under which employee morale could be negatively affected. See, *Florida Power & Light Company et al. v. Public Service Commission*, 31 So. 3d 860 (Fla. 1st DCA 2010). The Commission has recognized that similar such employee information warrants confidential classification.² Because redaction of the confidential information would, for all intents, result in blank pages, the Company is requesting that these files be granted confidential classification in their entirety.

6. With regard to the documents responsive to OPC POD 60, the following documents contain employee specific salary and benefits information, which, if disclosed, would put the Company at a competitive disadvantage in terms of hiring and retaining high caliber employees:

Confidential OPC POD 60 for OPC Rog 135 (FPUC-Rate 1050453-1050482)

Confidential OPC POD 60 for OPC Rog 129 Pyrl_FLbyAcct (FPUC-Rate 1012171-1050453)

Confidential OPC POD 60 for OPC Rog 128c-f Payroll Dollars (FPUC-Rate 1012159-1012170)

² See, for instance, Order No. PSC-13-0626-CFO-EI, issued November 26, 2013, in Docket No. 130140-EI.

Confidential OPC POD 60 for OPC Rog 128B Headcount (FPUC-Rate 1004873-1012158)

Due to the nature of these documents and the amount of confidential information contained therein, the Company respectfully requests confidential classification of these files in their entirety.

7. Release of any of this information would ultimately impair the Company's ability to provide services and its ratepayers. As such, FPUC requests that the Commission afford this information confidential treatment and exempt from Section 119.07, Florida Statutes.

8. Submitted herewith, in substantial compliance with Rule 25-22.006, Florida Administrative Code, is a flash drive containing the confidential files clearly identified as confidential. Given the nature of the files, a redacted version is not feasible and would simply result in a blank file. Moreover, given the electronic nature of the documents, highlighting is, in most instances, not feasible.

9. FPUC 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.

WHEREFORE, Florida Public Utilities Company respectfully requests that:

1. The Commission enter an order protecting the information in the following files, in their entirety, from public disclosure as proprietary confidential business information:
 - a. Confidential OPC POD 60 for OPC Rog 135 (FPUC-Rate 1050453-1050482)
 - b. Confidential OPC POD 60 for OPC Rog 129 Pyrl_FLbyAcct (FPUC-Rate 1012171-1050453)
 - c. Confidential OPC POD 60 for OPC Rog 128c-f Payroll Dollars (FPUC-Rate 1012159-1012170)

- d. Confidential OPC POD 60 for OPC Rog 128B Headcount (FPUC-Rate 1004873-1012158)
2. 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; and
3. The Commission grant confidential classification for this information for a period of at least 18 months.

Respectfully submitted this 16th day of August, 2022, by:



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Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing filing has been served by

Hand Delivery this 16th day of August, 2022, upon the following:

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