

Writer's Direct Dial Number: (850) 521-1706
Writer's E-Mail Address: bkeating@gunster.com

March 13, 2023

BY HAND DELIVERY

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

REDACTED

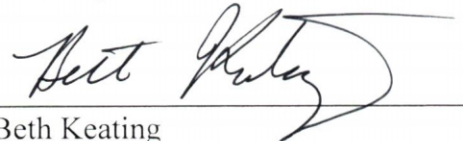
Re: Docket No. 20230032-GU - Petition for Approval of Transportation Service Agreement with the Florida Public Utilities Company by Peninsula Pipeline Company, Inc..

Dear Mr. Teitzman:

Enclosed for filing, please find the original and 7 copies of Peninsula Pipeline Company, Inc.'s Request for Confidential Classification of portions of the Joint Responses to Staff's Data Requests, which are being filed (redacted) under separate cover today. Also included are one highlighted and two redacted copies of the subject data response, which contains the confidential information, provided in conformance with Rule 25-22.004, Florida Administrative Code.

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

RECEIVED-FPSC
2023 MAR 13 PM 4:39
COMMISSION CLERK

MEK
cc://(Certificate of Service)

COM ___
AFD ___
APA ___
ECO 6
ENG ___
GCL 1
IDM ___
CLK ___

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of Transportation Service)
Agreement with the Florida Public Utilities Company by) Docket No. 20230032-GU
Peninsula Pipeline Company, Inc..)
)
) Filed: March 13, 2023
)
_____)

**PENINSULA PIPELINE COMPANY’S REQUEST FOR CONFIDENTIAL
CLASSIFICATION FOR INFORMATION IN RESPONSES TO STAFF’S DATA
REQUESTS**

Peninsula Pipeline Company (“Peninsula” or “Company”) by and through its undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with Rule 25-22.006(3), Florida Administrative Code, hereby submits its Request for Confidential Classification for information contained the Joint Data Responses of Peninsula and FPUC to Staff’s Data Requests, submitted under separate cover today. The information for which the Company seeks confidential treatment is information that is similar to that which the Commission has afforded confidential classification in prior cases, and involves a negotiated contract price with an unaffiliated, private entity. In support thereof, Peninsula hereby states:

1. Peninsula seeks confidential classification of the highlighted contract price in Data Response No. 6, which represents contractual information that both Peninsula and Citrusuco treat as proprietary confidential business information consistent with the definition of that term in Section 366.093, Florida Statutes.
2. The information for which Peninsula seeks confidential classification is information that the Company and Citrusuco both treat 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.

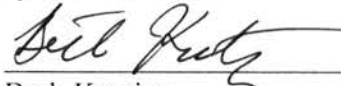
3. The subject information is the actual contract price negotiated between Peninsula and Citrusuco for the acquisition by Peninsula of certain pipeline facilities. Release of the referenced information as a public record would harm both Peninsula and Citrusuco's business operations by impairing their respective abilities to effectively negotiate for goods and services. Moreover, the entities are bound contractually to maintain this information as confidential. Thus, the information meets the definition of "proprietary confidential business information" as set forth in Section 366.093(3)(e), Florida Statutes. As such, Peninsula requests that the Commission protect this information consistent with Rule 25-22.006, Florida Administrative Code.

4. Included with this Request is a highlighted copy of the Joint Data Responses reflecting the confidential information provided in response to Data Request No. 6. Also enclosed are two redacted copies of data responses.

5. Peninsula 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, Peninsula respectfully requests that the confidential information be returned to the Company.

WHEREFORE, Peninsula respectfully requests that the highlighted information contained in response to Data Request No. 6 of the Joint Data Responses provided today under separate cover be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 13th day of March, 2023.



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

CERTIFICATE OF SERVICE

I HEREBY ATTEST that a true and correct copy of the foregoing Request for Confidentiality has been served upon the following by Electronic Mail (redacted only) this 13th day of March, 2023:

Charles Rehwinkel, Interim Public Counsel
Office of Public Counsel
c/o the Florida Legislature
111 West Madison Street, Rm 812
Tallahassee, FL 32399-1400
rehwinkel.charles@leg.state.fl.us

Keith Hetrick, General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
khetrick@psc.state.fl.us

By:



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

*Attorneys for Peninsula Pipeline
Company, Inc.*

Company Response

FPUC will seek to recover its payments to PPC through both the PGA and Swing Service mechanisms. FPUC anticipates recovery in the same manner as all prudently incurred pipeline costs.

5. **Paragraph 13 of the petition states that the estimated cost for FPUC to build pipeline facilities similar to the Lake Wales system would be \$15.46 million. Please discuss how that cost estimate was determined.**

Company Response

The cost for FPUC to build facilities similar to the Citrusuco pipeline were created through an estimate of building facilities using current market rates for construction inputs such as labor and materials, the most effective route, and pressure that would be capable of the same level of service necessary to meet customer needs in the City of Lake Wales

6. **Please provide the purchase price and explain how the cost to purchase the pipeline facilities was determined.**

Company Response

The purchase price is [REDACTED]. This price was bilaterally negotiated between Peninsula and Citrusuco.

7. **Are there any other facilities besides the pipeline that are part of the acquisition agreement between Peninsula and Citrusuco? Please explain.**

Company Response

The acquisition includes appurtenant facilities connected to the pipeline. These facilities are integral to the continued operation of the pipeline, such as valves, meters, machinery, and other fixtures.

8. **Please state when, assuming the Commission approves the proposed Transportation Service Agreement, Peninsula will finalize the Acquisition Agreement with Citrusuco.**

Company Response

Both parties have already come to an agreement on contractual terms for the acquisition. The closing of agreement is contingent on Commission approval of the Transportation Service Agreement. Upon approval of the Transportation Service Agreement, Peninsula and Citrusuco anticipate closing the acquisition and transfer of assets at the earliest opportunity.

9. **Please explain which tariff schedule and associated rates Citrusuco would be served under, following the Commission's approval of the proposed firm transportation agreement and Peninsula's acquisition of the pipeline. Additionally, will there be a filing for approval?**

Company Response

FPUC will serve Citrusuco under a negotiated rate schedule for six years after the close of the acquisition. Afterwards, Citrusuco would be served under tariff rate. In the event FPUC serves Citrusuco under a Contract Transportation Service arrangement under FPUC's Individual

Company Response

FPUC will seek to recover its payments to PPC through both the PGA and Swing Service mechanisms. FPUC anticipates recovery in the same manner as all prudently incurred pipeline costs.

5. **Paragraph 13 of the petition states that the estimated cost for FPUC to build pipeline facilities similar to the Lake Wales system would be \$15.46 million. Please discuss how that cost estimate was determined.**

Company Response

The cost for FPUC to build facilities similar to the Citrusuco pipeline were created through an estimate of building facilities using current market rates for construction inputs such as labor and materials, the most effective route, and pressure that would be capable of the same level of service necessary to meet customer needs in the City of Lake Wales

6. **Please provide the purchase price and explain how the cost to purchase the pipeline facilities was determined.**

Company Response

The purchase price is [REDACTED]. This price was bilaterally negotiated between Peninsula and Citrusuco.

7. **Are there any other facilities besides the pipeline that are part of the acquisition agreement between Peninsula and Citrusuco? Please explain.**

Company Response

The acquisition includes appurtenant facilities connected to the pipeline. These facilities are integral to the continued operation of the pipeline, such as valves, meters, machinery, and other fixtures.

8. **Please state when, assuming the Commission approves the proposed Transportation Service Agreement, Peninsula will finalize the Acquisition Agreement with Citrusuco.**

Company Response

Both parties have already come to an agreement on contractual terms for the acquisition. The closing of agreement is contingent on Commission approval of the Transportation Service Agreement. Upon approval of the Transportation Service Agreement, Peninsula and Citrusuco anticipate closing the acquisition and transfer of assets at the earliest opportunity.

9. **Please explain which tariff schedule and associated rates Citrusuco would be served under, following the Commission's approval of the proposed firm transportation agreement and Peninsula's acquisition of the pipeline. Additionally, will there be a filing for approval?**

Company Response

FPUC will serve Citrusuco under a negotiated rate schedule for six years after the close of the acquisition. Afterwards, Citrusuco would be served under tariff rate. In the event FPUC serves Citrusuco under a Contract Transportation Service arrangement under FPUC's Individual