

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of Amendment No. 1 to generation services agreement with Gulf Power Company, by Florida Public Utilities Company.

DOCKET NO. 110041-EI
ORDER NO. PSC-11-0236-CFO-EI
ISSUED: May 31, 2011

ORDER GRANTING FLORIDA PUBLIC UTILITIES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 02408-11)

On April 11, 2011, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Public Utilities Company (FPUC) filed a request for confidential classification of certain information contained in its response to Question 14 of Staff's Third Data Request (Response) filed in this docket as Document No. 02408-11. Attachment A, attached hereto and incorporated herein, contains the confidential information at issue.

Analysis

Section 366.093(1), F.S., provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." Section 366.093(3), F.S., further defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations. This includes bids or other contractual data.

FPUC contends that portions of the information contained in its Response relate to bids or other contractual data and fall within this definition. Thus, the related information constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S. I understand that FPUC treats this information as confidential, it has not otherwise been released, and public disclosure of this information could impair FPUC's competitive interest.

Ruling

Pursuant to Section 366.093(3), F.S., it appears that the material described herein is proprietary and should be granted confidential status. As such, FPUC's Request for Confidential Classification of certain information contained in its response to Question 14 of Staff's Third Data Request (Document No. 02408-11), is hereby granted. The information will remain protected from disclosure for a period of 18 months from the issuance date of this Order, unless FPUC or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

DOCUMENT NUMBER-DATE

03769 MAY 31 =

FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Public Utilities Company's request for confidential treatment of certain information contained in Document No. 02408-11 as set forth in Attachment A, which is attached and incorporated herein, is granted. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of issuance of this Order, in the absence of a renewed request for confidentiality. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 31st day of May, 2011.



RONALD A. BRISE
Commissioner and Prehearing Officer
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(SEAL)

PERE

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

Docket No. 110041-EI
 Company's Responses to Third Set of Data Requests
 Attachment E - Response to Question 14

REDACTED

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Monthly Capacity Purchase		97,944	97,944	97,944	97,944	97,944	97,944	97,944	97,944	97,944
Capacity Rates	\$ 8.45	\$ 8.70	\$ 9.00	\$ 9.50	\$ 10.06	\$ 10.55	\$ 11.15	\$ 11.70		
Monthly Capacity Cost		\$ 852,112.80	\$ 881,496.00	\$ 930,468.00	\$ 984,337.20	\$ 1,033,309.20	\$ 1,092,075.60	\$ 1,145,944.80		
Annual Capacity Cost		\$ 10,225,353.60	\$ 10,577,952.00	\$ 11,165,616.00	\$ 11,812,046.40	\$ 12,399,710.40	\$ 13,104,907.20	\$ 13,751,337.60		
Monthly Capacity Purchase		91,000	91,000	91,000	91,000	91,000	91,000	91,000	91,000	91,000
Capacity Rates	\$ 8.45	\$ 8.70	\$ 9.00	\$ 9.50	\$ 10.05	\$ 10.55	\$ 11.15	\$ 11.70		
Monthly Capacity Cost		\$ 791,700.00	\$ 819,000.00	\$ 864,500.00	\$ 914,550.00	\$ 960,050.00	\$ 1,014,650.00	\$ 1,064,700.00		
Annual Capacity Cost		\$ 9,500,400.00	\$ 9,828,000.00	\$ 10,374,000.00	\$ 10,974,600.00	\$ 11,520,600.00	\$ 12,175,800.00	\$ 12,776,400.00		
Annual Savings		\$ 724,953.60	\$ 749,952.00	\$ 791,616.00	\$ 837,446.40	\$ 879,110.40	\$ 929,107.20	\$ 974,937.60		
Rounded		\$ 725,000.00	\$ 750,000.00	\$ 792,000.00	\$ 837,000.00	\$ 879,000.00	\$ 929,000.00	\$ 975,000.00		
		\$ 326,250.00	\$ 337,500.00	\$ 356,400.00	\$ 376,650.00	\$ 395,550.00	\$ 418,050.00	\$ 438,750.00	\$ 459,450.00	\$ 480,150.00

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