

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

September 12, 2014

**HAND DELIVERY**

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

**REDACTED**

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COMMISSION  
CLERK

**Re: New Filing: Petition of Florida Public Utilities Company for Approval of Amendment to Extend Term of Negotiated Renewable Energy Power Purchase Contract with Rayonier Performance Fibers, LLC**

Dear Ms. Stauffer:

Enclosed for filing, please find the original and seven (7) copies of the Request for Confidential Classification of portions of Attachment B to the Petition of Florida Public Utilities Company for Approval of Amendment to Negotiated Renewable Energy Power Purchase Contract. Also included with this Request are one highlighted and two redacted copies of the subject Attachment B as required by Rule 25-22.006, Florida Administrative Code.

As always, please do not hesitate to contact me 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

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition of Florida Public Utilities  
Company for Approval of Amendment to  
Extend Term of Negotiated Renewable  
Energy Power Purchase Contract with  
Rayonier Performance Fibers, LLC**

Docket No.: \_\_\_\_\_

Filed: September 12, 2014

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FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION

Florida Public Utilities Company ("FPUC"), 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 of information contained in Attachment B to its Petition for Approval of Amendment to Negotiated Contract ("Contract") with Rayonier Performance Fibers, LLC ("Rayonier"), a redacted copy of which is being submitted for Commission approval under separate cover today. In support of this Request, FPUC states that:

1. FPUC requests confidential classification of information pertaining to the rates, terms and conditions in the Contract, which represent data provided in the context of confidential contractual negotiations. Both FPUC and Rayonier treat the subject information as proprietary confidential business information consistent with the definition of that term in Section 366.093, Florida Statutes, and to the extent of FPUC's knowledge, this information has not otherwise been publicly disclosed. The Commission has granted confidential treatment of similar information in Docket No. 120058-EQ, by Orders Nos. PSC-12-0180-CFO-EQ and PSC-12-0312-CFO-EQ.

2. The information for which FPUC seeks confidential classification 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.

More specifically, the information for which FPUC seeks confidential classification falls into one of two categories: (1) Information concerning bids or other contractual data, consistent with subsection (d) above; and (2) Information relating to competitive interests, the disclosure of which would impair the competitive business interests of the provider of the information, consistent with subsection (e) above. In other words, the information either identifies a specific rate, term, or pricing methodology in the Contract, or it identifies an obligation that could impact the competitive interests of one of the parties. In either case, the disclosure of the pertinent information would be detrimental to business operations of the party that provided the information, and in the case of FPUC, would ultimately harm FPUC’s ratepayers.

3. The location of the information for which FPUC seeks confidential classification is set forth in the chart below, along with the rationale associated with each item in question:

<b>Petition for Approval of Amendment to Contract, Attachment B</b>	Highlighted numbers in Columns Year 2016 through Year 2036, all rows for Wholesale Costs of Power, including each identified price row, Capacity Factors, and Net Benefits row	Includes information concerning pricing and pricing methodology, the disclosure of which would impair FPUC's future efforts to negotiate and contract for goods and services on reasonable terms and conditions. (Section 366.093(3)(d) and (e))
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4. The information specified above is highly proprietary, competitive and contractual information that falls squarely within Sections 366.093(3)(d) and (e), Florida Statutes. Release of the referenced information as a public record would harm FPUC's business operations and ratepayers by impairing the Company's ability to effectively negotiate for goods and services. Likewise, as specified above, the release of certain identified information would also have adverse impacts on Rayonier's competitive interests and enable competitors to gain undue advantage in the market. As such, FPUC requests that the Commission afford this information confidential classification and thus, exempt from Section 119.07, Florida Statutes. Included with this Request is a highlighted copy of the Contract, the pertinent Appendices E and F, and Attachment B to the referenced Petition. Also enclosed are two redacted copies of the same information.

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

WHEREFORE, FPUC respectfully requests that the highlighted information contained in Attachment B to its Petition for Approval of Amendment to Negotiated Contract with Rayonier Performance Fibers, LLC be classified as “proprietary confidential business information,” and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 12th day of September, 2014.

A handwritten signature in black ink, appearing to read "Beth Keating", is written over a horizontal line.

Beth Keating  
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*Attorneys for FPUC*



