

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

October 4, 2018

Hand Delivery

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

**REDACTED**

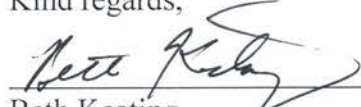
**Re: Docket No. 20180158-GU -- Re: Joint petition for approval of revised swing service rider rates for the period January through December 2019, by Florida Public Utilities Company, Florida Public Utilities Company-Indiantown Division, Florida Public Utilities Company-Fort Meade, and Florida Division of Chesapeake Utilities Corporation.**

Dear Ms. Stauffer:

Enclosed for filing, please find the original and seven copies of the Companies' Joint Request for Confidential Classification of portions of their Responses to Commission Staff's Second Data requests in the referenced docket. Also enclosed are one highlighted, and two redacted copies of the pertinent responses, consistent with Rule 25-22.006, F.A.C.

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

Kind regards,

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

- COM \_\_\_\_\_
- AFD \_\_\_\_\_
- APA \_\_\_\_\_
- ECO 7 \_\_\_\_\_
- ENG \_\_\_\_\_
- GCL \_\_\_\_\_
- IDM \_\_\_\_\_
- CLK \_\_\_\_\_

MEK

RECEIVED-FPSC  
2018 OCT -4 PM 2:22  
COMMISSION  
CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint petition for approval of revised swing )	Docket No. 20180158-GU
service rider rates for the period January through )	Filed October 4, 2018
December 2019, by Florida Public Utilities )	
Company, Florida Public Utilities Company- )	
Indiantown Division, Florida Public Utilities )	
Company-Fort Meade, and Florida Division of )	
Chesapeake Utilities Corporation. )	
_____ )	

JOINT REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR A  
TEMPORARY PROTECTIVE ORDER

Florida Public Utilities Company and the Florida Division of Chesapeake Utilities Corporation (jointly herein, “Companies”), by and through their undersigned counsel, pursuant to Section 366.093, Florida Statutes, and consistent with Rule 25-22.006(4), Florida Administrative Code, hereby submit this Joint Request for Confidential Classification to protect the information contained in their responses to the Commission Staff’s Second Set of Data Requests to the Companies. The Companies likewise request the issuance of a Temporary Protective Order to protect this information, in accordance with Rule 25-22.006(6)(c). In support of this Request, the Companies state that:

1. The information contained at page 2 of their responses to Staff’s Second Data Requests, in its response to Data Request No. 3, contain customer specific contractual information, including negotiated rates and terms, that the Companies treat as proprietary, confidential information and has not otherwise disclosed. The information is treated by the Companies as competitively sensitive information, the disclosure of which would impair both Companies’ ability to negotiate favorable rates in the future to the detriment of the Companies and their customers.

2. The information at issue is, as noted, considered proprietary confidential business information by the Companies, and has not otherwise been disclosed publicly. Disclosure of this information would publicly reveal information regarding the contracts that could also adversely impact the project or the anticipated benefits arising from the project.
3. The information for which the Companies seek confidential classification is information that the Companies 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.

4. Specifically, the Companies seek confidential classification and a Protective Order for the highlighted information in the following (lines/pages) in the referenced testimony:



Document	Page/Line/Location	Description	Rationale
FPUC/Chesapeake Responses to Staff's Second Data Requests	Highlighted amounts in lines 17-19, 21-23, 25-27, 29-31, and 33-35, associated with the contracts with Mosaic, Pensacola, Ascend, Rayonier, and Eight Flags.	Contract terms including usage, per therm rate, annual and monthly charges.	Information reveals specific contractual information between the Companies and their customers; disclosure of this information would impair the Companies' ability to contract with new large customers and would be contrary to confidentiality provisions in the contracts with the customers. Disclosure of this information could impair the viability and completion of the projects. (Section 366.093(d) and (e))

5. 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 the Companies' respective business operations and ratepayers. As such, the Companies jointly request that the Commission afford this information confidential treatment and thus exempt from Section 119.07, Florida Statutes. The Companies further request that the Commission issue a temporary protective order, in accordance with Rule 25-22.006(6)(c), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel, which is a party to this proceeding.

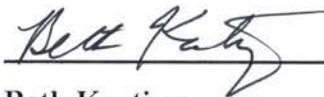
6. Included with this Request is a highlighted copy of the referenced documents. Also enclosed are two redacted copies of the information.

7. The Companies ask that confidential classification be granted for a period of at least 18 months. Should the Commission find that it no longer needs to retain the information, the Companies respectfully request that the confidential information be returned to the Companies.

WHEREFORE, Florida Public Utilities Company and the Florida Division of Chesapeake Utilities Corporation respectfully request that:

- 1) the highlighted amounts on page 2 of the Companies' responses to Commission Staff's Second Data Requests be classified as "proprietary confidential business information," and thus, exempt from Section 119.07, Florida Statutes;
- 2) confidential classification be granted for a period of at least 18 months from the issuance of the Commission's Order; and
- 3) that the Commission also issue a protective order to protect this information when provided to the Office of Public Counsel.

RESPECTFULLY SUBMITTED this 4th day of October, 2018.



**Beth Keating**

Gunster, Yoakley & Stewart, P.A.

215 S. Monroe Street, Suite 601

Tallahassee, Florida 32301

Telephone: (850) 521-1706

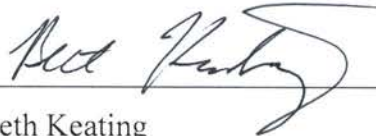
Facsimile: (850) 576-0902

*Attorneys for Florida Public Utilities Company and  
Florida Division of Chesapeake Utilities Corporation*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the Companies' Joint Request for Confidential Classification has been furnished by Hand Delivery or Electronic Mail\* to the following parties of record this 4th day of October, 2018:

Office of Public Counsel Stephanie Morse c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 <a href="mailto:Morse.stephanie@leg.state.fl.us">Morse.stephanie@leg.state.fl.us</a>	Johanna Nieves* Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 <a href="mailto:JNieves@psc.state.fl.us">JNieves@psc.state.fl.us</a>  w/o confidential attachments
---	--



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 and Florida Division of  
Chesapeake Utilities Corporation*



to be related to the swing service charge and therefore included in Schedule D for this docket.

3. Please refer to page 4 of the direct testimony of Michael Cassel, lines 10-11, and schedule D of the petition. Please discuss and show the derivation of the swing service charges directly billed to the five special contract customers.

**Company Response:**

The swing charge to special contracts is designed to collect a portion of the swing charge costs for intrastate capacity costs and other costs that were typically collected in the PGA and were not historically collected from transportation and special contract customers. The contracts referred to in the testimony and schedule D are negotiated special contract rates based on factors such as market based rates, return on investments and competitive negotiations. They are not tariffed rates, but negotiated rates. The Swing Service portion of these contracts are effectively computed and noted below by contract.

Mosaic-The total contract is for [REDACTED] therms per day equal to \$[REDACTED] per therm or [REDACTED] on an annual basis in 2019. Of this amount we are collecting and crediting to the swing charge a flat \$[REDACTED] per month. ( $\$[REDACTED] \times 12 = \$[REDACTED]$ ).

Pensacola-The total FGS contract is for [REDACTED] therms per day at [REDACTED] per therm or \$[REDACTED] on an annual basis in 2019. Of that amount we are collecting and crediting the swing charge \$[REDACTED] or \$[REDACTED] per therm.

Ascend- The total FGS contract is for [REDACTED] therms per day at [REDACTED] per therm or [REDACTED] on an annual basis in 2019. Of that amount we are collecting and crediting the swing charge \$[REDACTED] or \$[REDACTED] per therm.

Rayonier- For 2019, we estimated [REDACTED] therms per day at [REDACTED] per therm plus a fixed reservation charge of \$[REDACTED] a month ( $\$[REDACTED]$ /year) for a total annual basis of \$[REDACTED]. Of that amount we are collecting and crediting the swing charge \$[REDACTED], or \$[REDACTED] per therm.

Eight Flags- The total contract is for [REDACTED] therms per day at \$[REDACTED] per therm or \$[REDACTED] on an annual basis in 2019. Of that amount we are collecting and crediting the swing charge \$[REDACTED] or \$[REDACTED] per therm.

These swing charge credits are consistent with what we have charged other similarly situated customers.

to be related to the swing service charge and therefore included in Schedule D for this docket.

3. Please refer to page 4 of the direct testimony of Michael Cassel, lines 10-11, and schedule D of the petition. Please discuss and show the derivation of the swing service charges directly billed to the five special contract customers.

**Company Response:**

The swing charge to special contracts is designed to collect a portion of the swing charge costs for intrastate capacity costs and other costs that were typically collected in the PGA and were not historically collected from transportation and special contract customers. The contracts referred to in the testimony and schedule D are negotiated special contract rates based on factors such as market based rates, return on investments and competitive negotiations. They are not tariffed rates, but negotiated rates. The Swing Service portion of these contracts are effectively computed and noted below by contract.

Mosaic-The total contract is for [REDACTED] therms per day equal to \$[REDACTED] per therm or [REDACTED] on an annual basis in 2019. Of this amount we are collecting and crediting to the swing charge a flat \$[REDACTED] per month. (\$[REDACTED] 12=\$[REDACTED]).

Pensacola-The total FGS contract is for [REDACTED] therms per day at [REDACTED] per therm or \$[REDACTED] on an annual basis in 2019. Of that amount we are collecting and crediting the swing charge \$[REDACTED] or \$.[REDACTED] per therm.

Ascend- The total FGS contract is for [REDACTED] therms per day at [REDACTED] per therm or [REDACTED] on an annual basis in 2019. Of that amount we are collecting and crediting the swing charge \$[REDACTED] or \$.[REDACTED] per therm.

Rayonier- For 2019, we estimated [REDACTED] therms per day at [REDACTED] per therm plus a fixed reservation charge of \$[REDACTED] a month (\$[REDACTED]/year) for a total annual basis of \$[REDACTED]. Of that amount we are collecting and crediting the swing charge \$[REDACTED], or \$.[REDACTED] per therm.

Eight Flags- The total contract is for [REDACTED] therms per day at \$[REDACTED] per therm or \$[REDACTED] on an annual basis in 2019. Of that amount we are collecting and crediting the swing charge \$[REDACTED] or \$[REDACTED] per therm.

These swing charge credits are consistent with what we have charged other similarly situated customers.