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IN REPLY REFER TO:

Ansley Watson, Jr.
P.O. Box 1531
Tampa, Florida 33601
e-mail: aw@mcfar.com

September 29, 2008

VIA HAND DELIVERY

Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
18 SEP 29 AM 9:03
COMMISSION
CLERK

Re: Docket No. 080318-GU -- Petition for rate increase by Peoples Gas System

Dear Ms. Cole:

Enclosed for filing in the above docket on behalf of Peoples Gas System ("Peoples") are the original and 20 copies of Peoples' **Request for Confidential Classification and Motion for Temporary Protective Order** with respect to portions of the answer to Citizens' Interrogatory No. 38.

Also enclosed, in an envelope marked "CONFIDENTIAL," is a single copy of the answer to Interrogatory No. 38, with the confidential information highlighted in yellow.

Please acknowledge your receipt and the date of filing of the enclosures on the duplicate copy of this letter and give the same to the person delivering these materials for filing.

Thank you for your usual assistance.

Sincerely,



ANSLEY WATSON, JR.

COM _____
ECR 1
GCL 2
GPC _____
RCP _____
SSC _____
SGA _____
ADM AWjr/a
CLK 1

DOCUMENT NUMBER-DATE

09114 SEP 29 08

FPSC-COMMISSION CLERK

Ann Cole, Commission Clerk
September 29, 2008
Page 2

Enclosures

cc: Parties of Record
Mrs. Kandi M. Floyd

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase)
by Peoples Gas System.)
_____)

Docket No. 080318-GU

Submitted for Filing:
9-29-08

**PEOPLES GAS SYSTEM'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Peoples Gas System ("Peoples" or the "Company"), pursuant to Section 366.093, *Florida Statutes*, and Rule 25-22.006, *Florida Administrative Code*, hereby requests confidential classification of (and the issuance of a temporary protective order with respect to) the yellow highlighted information contained in the following described document(s) (the "Document(s)") stamped "CONFIDENTIAL", which are submitted herewith, all of said confidential information being hereinafter referred to as "Confidential Information."

Description of the Document(s)

The Document consists of Peoples' answer to Citizens' Interrogatory No. 38, served on parties of record in the above docket on September 26, 2008, and provides a portion of the terms of an agreement dated as of January 23, 2006, between Peoples and a supplier in settlement of litigation (the "Settlement Agreement"). The Settlement Agreement contains a provision prohibiting the parties thereto from disclosing the terms thereof.

1. Subsection 366.093(1), *Florida Statutes*, provides that any records "found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1), *Florida Statutes* [requiring disclosure

DOCUMENT NUMBER-DATE

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under the Public Records Act].” Proprietary confidential business information includes, but is not limited to “[i]nformation concerning . . . contractual data, the disclosure of which would impair the efforts of the public utility . . . to contract for goods or services on favorable terms”, and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Subsections 366.093(3)(d) and (e), *Florida Statutes*. The Confidential Information that is the subject of this request and motion falls within the statutory categories, and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, *Florida Statutes*, and Rule 25-22.006, *Florida Administrative Code*.

2. Attached hereto as Exhibit “A” is justification for confidential treatment of the Confidential Information contained in the Document.

3. The Confidential Information contained in the Document is intended to be and is treated by Peoples as private pursuant to the Settlement Agreement and has not been publicly disclosed.

4. For the same reasons set forth herein in support of its request for confidential classification, Peoples also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), *Florida Administrative Code*, protecting the Confidential Information from public disclosure.

Requested Duration of Confidential Classification

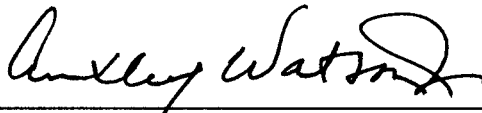
5. Peoples requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), *Florida Administrative Code*. If, and to the extent that the Company is in need of confidential classification of the Confidential

Information beyond the 18 month period set forth in the Commission rule, the justification and grounds for such extended period of confidential treatment are set forth in Exhibit "C" to this request and motion.

WHEREFORE, Peoples Gas System respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The Company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), *Florida Administrative Code*, protecting the Confidential Information from public disclosure.

DATED this 29th day of September, 2008.

Respectfully submitted,



Ansley Watson, Jr.
Macfarlane Ferguson & McMullen
P. O. Box 1531
Tampa, Florida 33601-1531
(813) 273-4321

Attorneys for Peoples Gas System

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification and Motion for Temporary Protective Order, filed on behalf of Peoples Gas System, has been furnished by U. S. Mail this 29th day of September, 2008, to the following:


Caroline M. Klancke, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Katherine E. Fleming, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Stephen C. Burgess, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street

John W. McWhirter, Jr., Esquire
McWhirter Law Firm
P. O. Box 3350
Tampa, Florida 33601-3350

Ms. Annette Follmer
U. S. Gypsum Company
P. O. Box 806278
125 S. Franklin Street
Chicago, Illinois 60680-4124



Ansley Watson, Jr.

EXHIBIT A

JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED PORTIONS OF THE DOCUMENT

<u>Line(s) Titled</u>	<u>Detailed Description</u>	<u>Rationale</u>
"2006", "2007" and "2008"	All highlighted information	(1)
"2006", "2007" and "2008"	All highlighted information	(2)

-
- (1) The Confidential Information contained in the Document is intended to be and is treated by Peoples as private pursuant to the terms of the Settlement Agreement and has not been publicly disclosed. Disclosure of this contractual data would place Peoples in violation of the confidentiality provisions of the Settlement Agreement. More importantly, because Peoples continues to acquire goods from the supplier/counterparty to the Settlement Agreement, disclosure of this contractual data would impair Peoples' efforts to contract with the supplier for such goods in the future on favorable terms and conditions. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(d), *Florida Statutes*.
- (2) The Confidential Information contained in the Document is intended to be and is treated by Peoples as private pursuant to the terms of the Settlement Agreement and has not been publicly disclosed. The contractual data also relates to the competitive interests of Peoples' supplier (the counterparty to the Settlement Agreement), and disclosure of the same would impair those competitive interests to the extent that others supplied by the supplier (and who may also now or in the future be or become engaged in litigation with the supplier) could be less inclined to do business with the supplier, or gain insight into the terms on which the supplier was willing to settle the litigation. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(e), *Florida Statutes*.

PUBLIC VERSION(S) OF THE DOCUMENT

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document with the Confidential Information redacted.

Public Version(s) of the Document attached

Public Version(s) of the Document previously served on _____

REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION

Peoples requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefore is set forth below:

n/a

PEOPLES GAS SYSTEM
DOCKET NO. 080318-GU
CITIZENS' SECOND SET OF
INTERROGATORIES
INTERROGATORY NO. 38
PAGE 1 OF 1
SERVED: SEPTEMBER 29, 2008

38. Meter and House Regulator Expenses. Refer to the testimony of Paul Higgins at page 21. Provide for each of the years meters were being replaced due to the defect described the cost incurred, the reimbursement received and the number of meters replaced.

A.

<u>Year</u>	<u>Cost Incurred</u>	<u>Reimb. Received</u>	<u>No. of Meters Replaced</u>
2006	\$265,216	██████████	18,520
2007	\$609,127	██████████	26,254
2008	\$398,631*	██████████	14,891*

* Year-to-date actual through 8/31/08.

(P. Higgins)

PEOPLES GAS SYSTEM
DOCKET NO. 080318-GU
CITIZENS' SECOND SET OF
INTERROGATORIES
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PAGE 1 OF 1
SERVED: SEPTEMBER 29, 2008

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	2007	\$609,127	██████████	26,254
	2008	\$398,631*	██████████	14,891*

* Year-to-date actual through 8/31/08.

(P. Higgins)

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

CONFIDENTIAL

Public Service Commission

ACKNOWLEDGEMENT

DATE: September 29, 2008

TO: Ansley Watson, Mcfarlane Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080318 or, if filed in an undocketed matter, concerning portions of answer to Citizens', and filed on behalf of Peoples Gas. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE
09115 SEP 29 08
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