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December 21, 2009

VIA HAND DELIVERY

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

Re: Docket No. 090000-GU – Undocketed Filings for 2009

Dear Ms. Cole:

Enclosed for filing is an original and seven (7) copies of Florida City Gas's Request for Confidential Classification along with a diskette containing an electronic version of the filing. A separate envelope containing redacted and highlighted confidential documents related to the filing is also enclosed.

Your assistance in this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Matthew Feil

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Enclosures

DOCUMENT NUMBER DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Undocketed Filings for 2009)
)
_____)

Docket No. 090000-GU
Filed: December 21, 2009

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida City Gas ("FCG" or "Company"),¹ by and through its undersigned counsel, and pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain material contained in FCG's Response to an Informal Staff Request filed November 30, 2009, identified collectively as **Document No. 11638-09**. Attached to this Request is an envelope marked "CONFIDENTIAL" containing the sole copy of the highlighted confidential information being provided. Two public, redacted versions of the confidential information is also provided with this Request. In support of this Request, FCG states as follows:

1. Subsection 366.093(1), Florida Statutes, provides that upon request, records received by the PSC which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)."

2. "Proprietary confidential business information" is defined as meaning "information, regardless of form or characteristics, which is owned or controlled by the ... company, is intended to be and is treated by the ... company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or

¹ Florida City Gas is an operating division of Pivotal Utility Holdings, Inc.

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administrative body, or private agreement that provides that the information will not be released to the public." Section 366.093(3), Florida Statutes.

3. Proprietary confidential business information includes, but is not limited to, information concerning:

- (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.

Section 366.093(3), Florida Statutes.

4. The confidential portions of the information being provided to the Commission fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

5. "Attachment 1" to this Request consists of a chart, which specifically sets forth a line-by-line justification for maintaining specific information in **Document No. 11638-09** as confidential. To be clear, this information has not been released to the public, and is treated by FCG as private, confidential information, the release of which could have a severe impact on business operations and private negotiations. The subject information is therefore proprietary

confidential business information and is entitled to protection under Section 366.093 and Rule 25-22.006.

6. Pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code, FCG requests that the information described above as proprietary confidential business information be protected from disclosure for a period of at least 18 months and all information should be returned to FCG as soon as the information is no longer necessary for the Commission to conduct its business.

Respectfully submitted this 21st day of December, 2009.

By: _____




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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Request has been served upon the following by Hand Delivery (*) and/or U.S. Mail this 21st December, 2009.

Anna Williams *
Office of the General Counsel
Room 370, Gunter Building
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Connie Kummer *
Chief
Bureau of Certification, Economics & Tariffs
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

By: 

Matthew Feil
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ATTACHMENT 1

<u>Location</u>	<u>Information</u>	<u>Justification</u>
Document No.11638-09, Exhibit B (10 pages), the following: (1) page 3, line 7, quantity of MDCQ; (2) page 3, line 27, distribution charge; (3) page 4, line 3, distribution charge; and (4) page 4, line 5, discount to distribution charge.	Highlighted numbers	These proprietary numbers contain negotiated customer-specific information, or information from which customer-specific information may be easily derived. Such customer-specific information is not released to the public and, if disclosed, harms ratepayers' rights to privacy. These negotiated numbers also, if made public, would negatively impact the competitive interests of the company (and hence ratepayers) in the company's negotiations of other agreements.
Document No.11638-09, Exhibit C (12 pages), the following: (1) page 3, line 7, quantity of MDCQ; (2) page 3, line 26, distribution charge; (3) page 12, column 2 (CCFS), lines 6 through 18; (4), page 12, column 3 (BTU Factor), lines 6 through 17; (5) page 12, column 4 (Therms), lines 6 through 18; (5) page 12, column 5 (Bill Under Current Rates), lines 6 through 18; (6) page 12, column 6 (Bills Under Proposed Rates), lines 6 through 18; (7) page 12, lines 20 and 21, column 5 (summer and winter dcq); (8) page 12, line 23 (current customer charge); and (9) page 12, line 24 (current transport charge and proposed transport charge).	Highlighted numbers	These proprietary numbers contain negotiated customer-specific information, or information from which customer-specific information may be easily derived. Such customer-specific information is not released to the public and, if disclosed, harms ratepayers' rights to privacy. These negotiated numbers also, if made public, would negatively impact the competitive interests of the company (and hence ratepayers) in the company's negotiations of other agreements.

COMMISSIONERS:
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NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT

STATE OF FLORIDA



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Public Service Commission

ACKNOWLEDGEMENT

DATE: December 21, 2009

TO: Matthew Feil, Akerman 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 090000 or, if filed in an undocketed matter, concerning certain material contained in FCG's response to an informal staff request filed 11/30/09, collectively identified as DN 11638-09, and filed on behalf of FCG. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

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