MESSER CAPARELLO & SELF, P.A. BECEN

Attorneys At Law

www.lawfla.com

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COMMISSION CLERK

February 18, 2011

BY HAND DELIVERY

Ms. Ann Cole, Commission Clerk Office of Commission Clerk Room 110, Easley Building Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850

Re:

Docket No. 090539-GU

filed by OPC

For DN 01137-1 is in locked storage. You must be authorized to view this DN.-CLK

claim of confidentiality

request for confidentiality

notice of intent

Dear Ms. Cole:

Enclosed for filing on behalf of Florida City Gas is an original and seven copies of Florida City Gas' Request for Confidential Classification in the above referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Sincere

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OPC	
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Thank you for your assistance with this filing.

Floyd R. Self

FRS/amb Enclosure

cc:

Shannon O. Pierce, Esq. Parties of Record

#### BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of Special Gas Transportation Service agreement with Florida City Gas by Miami-Dade County through Miami-Dade Water and Sewer Department

Docket No. 090539-GU

#### FLORIDA CITY GAS' REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida City Gas ("FCG" or "Company"), 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 FPSC Staff's Second Set of Interrogatories, Item Nos. 28a, 33, 34, and 35-37 and Second Request for Production of Documents, Item No. 11. Attached to this Request is an envelope marked "CONFIDENTIAL" containing one copy of the highlight 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 Section 119.07(1), Florida Statutes.
- 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 case 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

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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.
- 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, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.
- 5. Attachment 1 to this Request consists of a chart, which specifically sets forth a line-by-line justification for maintaining specific information in FCG's Response to Miami-Dade County's First Request for Production of Documents, Item No. 2. 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, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

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 18th day of February, 201

Floyd R. Self, Esq.

Robert J. Telfer III, Esq.

Messer, Caparello & Self, P.A.

2618 Centennial Place

Tallahassee, Florida 32308

Tel. 850-222-0720

Fax. 850-558-0656

Shannon O. Pierce, Esq.

AGL Resources Inc.

Ten Peachtree Place, 15<sup>th</sup> Floor

Atlanta, GA 30309

Tel. 404-584-3394

Counsel for Florida City Gas

### EXHIBIT "A"

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
FCG'S Confidential Response to FPSC Staff's First Set of Interrogatories, Item No. 28a	1	A and B	10-21	These proprietary numbers contain 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 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.
FCG'S Confidential Response to FPSC Staff's First Set of Interrogatories, Item No. 33	1 - 5	A - C	12	These proprietary numbers contain 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 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.
FCG'S Confidential Response to FPSC Staff's First Set of Interrogatories, Item No. 34	1 - 4	A - AO	9-12, and 15	These proprietary numbers contain 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

DOCUMENT NUMBER-DATE

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### EXHIBIT "A"

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	9			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.
FCG'S Confidential Response to FPSC Staff's First Set of Interrogatories, Item No. 35-37	1	N/A	3, 6, 7, 10, and 11	These proprietary numbers contain 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 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.
FCG'S Confidential Response to FPSC Staff's First Request for Production of Documents, Item No. 11	1	B – D	4, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 35, 36, 37, 45, 46, and 47	These proprietary numbers contain 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 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.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and/or U.S. Mail this 18<sup>th</sup> day of February, 2011.

Anna Williams, Esq.
Martha Brown, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. Melvin Williams Florida City Gas 933 East 25<sup>th</sup> Street Hialeah, FL 33013

Shannon O. Pierce AGL Resources, Inc. Ten Peachtree Place, 15<sup>th</sup> Floor Atlanta, GA 30309

Henry N. Gillman, Esq. David Stephen Hope, Esq. Miami-Dade County 111 NW First Street, Suite 2800 Miami, FL 33128-1993

Floyd R. Self

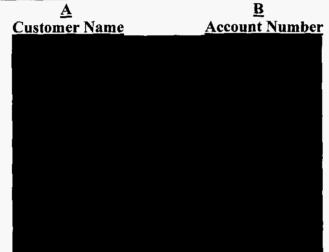


Docket No. 090539-GU Florida City Gas' Responses to Staff's Second Set of Interrogatories Confidential Attachment No. 28(a) Page 1 of 1

28. Please refer to Carolyn Bermudez's direct testimony, page 16, which states that the expenses to serve MDWASD have increased over time, especially for personnel. Please provide the following information to capture all O&M expense for MDWASD and the other GS-1250-k customers that was used in the development of the customer cost allocation factor of .004842 used on Exhibit CB-2:

a. Please identify all GS-1250K customers.

#### Confidential Response:



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	Commercial & Industrial Transportation	-									
8	GS-1,250k	822,888	886,888	2	2	2	2	2	2	2	2
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10	GS-1,250k AFD (Alternative Fuel Discount Tari	ff)	i	6	6	6	6	6	6	6	6
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8	GS-1,250k	822,888	886,888	1	1	5	5	7	5	7	7
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10	GS-1,250k AFD (Alternative Fuel Discount Tari	ff)		6	6	6	2	0	2	0	0
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Docket No. 090539-GU Florida City Gas' Responses to Staff's Second Set of Interrogatories Confidential Attachment 33 Page 4 of 5

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	Commercial & Industrial Transportation											1
8_	GS-1,250k	822,888	886,888	7	7	7	7	7	7	7	7	7
9												1
10	GS-1,250k AFD (Alternative Fuel Discount Tar	riff)		0	0	0	0	0	0	0	0	0
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13												
14	Total Customers:			8	8	8	8	8	8	8	8	8

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8	GS-1,250k	822,888	886,888	7	7	7
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10	GS-1,250k AFD (Alternative Fuel Discount Ta	riff)		-	*	
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12				1	1	1
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14	Total Customers:			8	8	8

Docket No. 090539-GU
Florida City Gas' Confidential Responses to Staff's Second Set of Interrogatories
Attachment 34

Page 1 of 4

	Α	В	С	D	E	F	G	Н	ı
1			-						
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3	Florida City Gas - Customers with n	on-tariff Special Se	ervice Agreem	ent(Therms B	illed)	1			
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5	<b>在建设</b> 在1000年111日11日本公		Thems +	Therms	Thems -	- Therms)	Thems	Thems	Therms
6	Customer Name ( 1 7 1	Account# 🖖	2008717	2008 / 2	200873	2008/4	2008/5	200876	2008/7
7	ALEXANDER ORR JR WTR TRMT	2110756225011	200,706.5	264,130.7	271,404.7	273,754.4	274,107.7	273,886.1	260,009.1
8	ALEXANDER ORR WTR PLANT	2110756239011	71,070.2	79,406.4	42,469.4	39,522.3	33,877.8	38,755.4	40,267.7
9									
10									
11									
12									
13	MIAMI DADE WATER SEWER	2110754412011	213,018.8	214,384.5	192,869.8	203,320.0	181,944.0	194,501.0	199,644.9
14	WASA/BLACK POINT	2110786676001	21.3	0.0	9,303.1	3,911.8	5,575.4	6,571.1	12,993.0
15									

Docket No. 090539-GU
Florida City Gas' Confidential Responses to Staff's Second Set of Interrogatories
Attachment 34

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5	Thems **	Therms	I. FThems b		Therms	: Thems	Therms			* Therms	
6	200878	2008/9	2008/10	2008/11	2008/12	2008	2009/1	2009/2	32009#A	2009/4	200975
7	265,723.8	110,452.6	230,765.0	213,629.0	270,803.7	2,909,373.3	248,186.5	247,865.5	225,576.8	259,748.3	245,014.0
8	23,058.5	26,614.6	19,017.5	28,873.7	31,127.7	474,061.2	31,083.5	33,854.8	24,818.5	26,390.3	17,193.8
9											
10											
11											
12											
13	200,742.7	208,783.3	214,355.9	219,412.3	72,223.6	2,315,200.8	0.0	0.0	0.0	36,589.7	190,544.0
14	22,619.8	5,345.4	1,977.7	0.0	0.0	68,318.6	0.0	0.0	0.0	0.0	0.0
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Docket No. 090539-GU Florida City Gas' Confidential Responses to Staff's Second Set of Interrogatories Attachment 34

Page 3 of 4

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5	Thems a	Thems.	Thems	Therms	- Thems	Thems 7	Trems a	i il hérms	Thems	Ji Tremis .	Thems
6	2009 / 6	200977	2009/8	<b>#2009/9</b>	2009710	2009 / 11	2009/12	2009	20107.1	2010/2	
7	107,304.5	230,941.5	138,504.5	209,092.1	(209,092.1)	222,181.0	208,512.6	2,133,835.2	237,437.4	267,647.9	235,934.0
8	22,333.9	20,027.6	25,922.2	32,198.3	13,091.0	25,014.3	21,920.8	293,849.0	23,097.2	27,310.1	39,981.8
9											
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13	222,520.9	167,433.6	203,554.2	222,751.7	208,729.4	206,760.8	193,725.6	1,652,609.9	201,180.8	196,125.9	157,864.2
14	0.0	0.0	0.0	21.3	0.0	0.0	0.0	21.3	645.4	7,490.7	0.0
15										ı	

Docket No. 090539-GU

Florida City Gas' Confidential Responses to Staff's Second Set of Interrogatories

Attachment 34

Page 4 of 4

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6	2010/4	2010/5	201076	2010/7	201078	201079	2010 / 10	2010/11	2010/12	* \$ 2010 E
7	260,722.9	179,034.2	116,941.4	255,002.9	2,621.4	256,311.9	195,286.1	267,896.6	236,404.4	2,511,241.1
8	37,188.7	33,929.3	26,748.5	44,584.3	43,569.5	59,329.4	45,112.3	50,814.7	62,772.5	494,438.3
9										
10										
11										
12										
13	188,768.4	195,634.6	204,093.1	188,474.9	192,522.0	2,822.2	152,465.3	229,173.1	233,344.9	2,142,469.4
14	21.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8,157.3
15										

# Docket No. 090539-GU Florida City Gas' Responses to Staff's Second Set of Interrogatories Confidential Attachment No. 35-37 Page 1 of 1

35.	Which accounts were subsequently transitioned to an existing tariff rate?
Conf	idential Response:
36.	What was the tariff rate to which they were transitioned?
Conf	idential Response:
37.	On what date were such transitions made?

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	A	В	C	D
	Florida City Gas - Special Contracts			
2				
3				
4				
┝╌		Per Mar'09	Per Mar'09	Per Mar'09
ļ		Surveillance	Surveillance	Surveillance
5		Report	Report	Report
6	Cost of Service and Rate Design			
7			ľ	
8	Description	Total	Total	Total
9			ļ	ı
10	O&M Expenses	\$73,743	\$80,729	\$80,729
11	Danrasiation	640.504	#40 ccc	#40.000
12 13	Depreciation	\$42,594	\$46,630	\$46,630
	Taxes Other Than Income	\$11,507	\$12,597	\$12,597
15		4.1,001	7 .2,007	Ψ.2,001
16	Sate Tax @ 5.5%			
17				
	Federal Tax @ 34.00%			
19	Sub-total			
20 21	Sub-total			
	Required Return on Investment ** (Rate base x ROR)			
	,			
23 24 25 26	Less: Customer Charge			
25	T 1-11			
27	Total Incremental Cost of Service			
	Estimated Annual Volume (therms)	. <u> </u>		
29	esamated / fillida: Volume (thomas)			
30	Incremental Cost Rate (Cost to Serve)			
31				
	Tairtt Rate Discount			
33	150			
34	Agreement Effective Date:			
35	Term (years):			
	Expiration Date			
37	Customer qualifies for rate schedule:			
38				
39 40	Tariff:	#000.00	0500.00	0500 50
41	Customer Charge Energy Charge	\$300.00 \$0.17191	\$500.00 \$0.12225	\$500.00 \$0.12225
42	Demand Charge	\$0.28900	\$0.28900	\$0.12225 \$0.28900
43	55	\$5.20000	<b>40.2000</b>	¥5.2000
44	Contract Rate:			
45	Customer Charge			
46	Energy Charge			
47 48	Demand Charge			
49				
50	== Miami Dade Water Contract not included -	Negotiation in prod	ress ==	
			Common Const. Control Security	

#### State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-0850

Floyd R. Self P.O. Box 15579 Tallahassee FL 32317

Re: Acknowledgement of Confidential Filing in Docket No. 090539-GU

This will acknowledge receipt by the Florida Public Service Commission,

Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on February

18, 2011, in the above-referenced docket.

Document Number 01137-11 has been assigned to this filing, which 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.