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December 13, 2017

Hand Delivery

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

RECEIVED - FPSC
2017 DEC 13 PM 4:43
COMMISSION
CLERK

Re: DOCKET NO. 20170179-GU - Petition for rate increase and approval of depreciation study by Florida City Gas.

Dear Ms. Stauffer:

Enclosed for filing, please find the original and seven (7) copies of Florida City Gas's Request for Confidential Classification and Motion for Protective Order for certain information provided in response to Citizens' Third Requests for Production of Documents (Nos. 49-96) and Fourth Set of Interrogatories (Nos. 120-128) and Fourth Requests for Production of Documents (97-101) to the Company. Given that that Company is requesting protection for the identified information in its entirety and the documents at issue are voluminous, the Company is providing the documents for which it seeks confidential classification on the enclosed DVDs, which are marked confidential.

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

Kind regards,



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

cc:/ (Office of Public Counsel)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida City
Gas.

DOCKET NO. 20170179-GU

DATED: December 13, 2017

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR PROTECTIVE ORDER**

FLORIDA CITY GAS (FCG or the Company), by and through undersigned counsel pursuant to rule 25-22.006, Fla. Admin. Code, requests that the Florida Public Service Commission (the Commission) enter an order protecting from public disclosure certain portions of FCG's responses to Citizens' Third and Fourth Requests for Production and in the attachment provided along with its response to Interrogatory 123 in Citizens' Fourth Set of Interrogatories. In support of this request, the Company states:

1. On October 23, 2017, FCG filed its Petition for Rate Increase, and *inter alia* the prefiled direct testimony and supporting exhibits of its witnesses and Minimum Filing Requirements.
2. On November 14, 2017, the Citizens of the State of Florida, through the Office of Public Counsel (OPC), served FCG with its Third Set of Interrogatories (Nos. 84-119) and Third Requests for Production of Documents (PODs) (Nos. 49-96). On November 17, 2017, OPC served its Fourth Set of Interrogatories and Fourth Requests for Production. Numerous documents responsive to the third set of requested document productions, namely Production Requests 52, 67, 76, 78, 80, 86, and 98, as well as Attachment ROG 123c, provided with FCG's responses to OPC's Fourth Set of Interrogatories, contain material and information that FCG and its affiliates treat as highly confidential, which has

not otherwise been publicly disclosed. Given the nature of the documents provided, the Company considers entire documents to be confidential, the disclosure of which would cause harm to FCG and its customers.

3. The information for which FCG seeks confidential classification is information 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, FCG seeks confidential classification of information and documents that fall into the following categories: (1) Financial Analyst Reports; (2) an Internal Audit; (3) Projected System Supply Needs and Resources; (4) Contractual Information; and (5) Competitively sensitive, customer-specific consumption information.

5. With regard to the attachments provided in response to PODs 76 and 80, these documents contain detailed information regarding customer-specific consumption rates and projections, load forecasts and supply resources, which the Company considers to be

proprietary confidential business information and strictly protects. This information should be classified as proprietary confidential business information because its disclosure would impair the FCG's competitive interests, by providing information that would provide other companies with an unfair advantage in efforts to "cherry pick" high-volume customers, which could ultimately drive up rates for FCG's ratepayers. Furthermore, as it relates to the forecast and supply resource data, disclosure of this information is not only competitively sensitive, but FCG protects this information as a security risk, in that disclosure of this information would provide a roadmap for disabling FCG's supply chain. Because redaction of the confidential information would, for all intents, result in blank pages, the Company is requesting that these files be granted confidential classification in their entirety.

6. With regard to the documents provided in response to POD 52, these documents contain financial analyst reports that the Company also strenuously protects, including information and strategies that pertain to entities outside to the Commission's jurisdiction.¹ Such information should be deemed "proprietary confidential business information," consistent with Section 366.093 (d and e), F.S., in that public disclosure would reveal competitively-sensitive financial and strategic information of FCG, its parent, Southern Company Gas, as well as that of other Southern Company affiliates. Disclosure of this information would impair FCG's, and Southern Company Gas's, ability to effectively compete for goods and services, potentially driving up costs, and could impair the companies' ability to obtain financing at favorable rates and terms.

¹ To the extent that information in certain documents, particularly documents responsive to POD 34, contain information that exceeds FCG's discovery obligations, those documents are submitted with partial redaction. This is not meant to indicate that the unredacted material is not confidential. To the contrary, the information is confidential, but nonetheless, responsive to OPC's discovery request.

7. With regard in particular to the documents produced in response to PODs 78, 86, and 98, as well as the Attachment provided with the response to Interrogatory No. 123, these documents contain highly confidential information about business options and contractual terms, that FCG and its contract partners consider proprietary confidential business information. The Attachment ROG 123c and POD 98a also contain customer specific account data that FCG treats as confidential and has not otherwise disclosed. As with the documents referenced in paragraph 5 above, redaction of these documents would, for all purposes, render the documents blank pages. As such, FCG is respectfully requesting that the documents be granted confidential classification in their entirety.
8. With regard to documents produced in response to POD 67, these documents are all internal audits that are not otherwise publicly available. Public disclosure of this competitively sensitive information would impair the operations of FCG and Southern Company Gas. Moreover, these documents specifically fit the definition of “proprietary confidential business information” contained in Section 366.093(3)(b), F.S. As such, the Company is requesting that these documents also be treated as confidential in their entirety.
9. FCG seeks confidential classification as follows:

Document/Discovery Production	Page/Lines – Document	Rationale
<u>POD 52</u> POD files 52.1 through 52.830 Identified in Directory for POD 52 as Bates 22397-23226	Each file, in its entirety	Proprietary Confidential Business Information that is competitively sensitive and meets the definition in Section 366.093(3)(e), F.S.

Document/Discovery Production	Page/Lines – Document	Rationale
<p>POD 76 (BATES 23252 – 23254) and POD 80.1 (BATES 23281-23433) and POD 80.2 (BATES 23434-23443)</p>	<p>All lines, all columns (entire files)</p>	<p>Proprietary Confidential Business Information that is competitively sensitive and meets the definition in Section 366.093(3)(e), F.S.</p>
<p>POD 78 (78.1-78.4) (BATES 23255-23280) and POD 86 (86.1 and 86.2)(BATES 23444-23491) and POD 98a (BATES 23585-23611), Attachment ROG 123c</p>	<p>All pages, entire documents reflecting negotiated arrangements with FGT and asset management agreement with Sequent, as well as gas purchase detail for Sequent.</p>	<p>Proprietary Confidential Business Information that is competitively sensitive and meets the definition in Section 366.093(3)(d) and (e), F.S.</p>
<p>POD 67 ((BATES 23227 – 23252).</p>	<p>All lines, all pages (entire document) Internal Audit Report</p>	<p>Proprietary Confidential Business Information that is competitively sensitive and meets the definition in Section 366.093(3)(b), F.S.</p>

10. Release of any of this information would ultimately impair the Company's ability to provide services and its ratepayers.
11. Submitted herewith, in substantial compliance with Rule 25-22.006, Florida Administrative Code, is a DVD containing the confidential files clearly identified as confidential. Given the electronic nature of the documents, highlighting is, in most instances, not feasible, nor is redaction, which would simply result in a blank file. Moreover, certain documents are password protecting by the originating firm, which make electronic highlighting and redaction impossible. Given the volume of the documentation and the fact that the documents would be redacted/highlighted in their entirety, accomplishing the redactions/highlighting for these documents manually would be unduly burdensome.
12. FCG further requests that the Commission issue a protective order, in accordance with Rule 25-22.006(6), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel, which is a party to this proceeding.

WHEREFORE, FCG respectfully requests that:

1. The Commission enter an order protecting the information in the following files, in its entirety, from public disclosure as proprietary confidential business information:
 - a. POD files 52.1 through 52.830, Identified in Directory for POD 52 as Bates 22397-23226;
 - b. POD 76 (BATES 23252 – 23254), and POD 80.1 (BATES 23281-23433) and POD 80.2 (BATES 23434-23443);

- c. POD 78 (78.1-78.4) (BATES 23255-23280), POD 86 (86.1 and 86.2)(BATES 23444-23491), POD 98(23585-23611) and Attachment ROG 123c; and
 - d. POD 67 (BATES 23227 – 23252).
2. The Commission issue a protective order, in accordance with Rule 25-22.006(6), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel; and
3. The Commission grant confidential classification for this information for a period of at least 18 months.

Respectfully submitted this 13th day of December, 2017, by:



Beth Keating, Esquire
Florida Bar No. 0022756
Gunster Law Firm
215 South Monroe Street
Suite 601
Tallahassee, FL 32301
Attorneys for Florida City Gas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing filing has been served by
Hand Delivery this 13th day of December, 2017, upon the following:

Walter Trierweiler
Florida Public Service Commission
General Counsel's Office
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Virginia Ponder
Office of the Public Counsel
c/o The Florida Legislature
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Tallahassee, FL 32399-1400



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