



Suite 1200
106 East College Avenue
Tallahassee, FL 32301
www.akerman.com
850 224 9634 tel 850 222 0103 fax

Denver
Fort Lauderdale
Jacksonville
Los Angeles
Madison
Miami
New York
Orlando
Tallahassee
Tampa
Tysons Corner
Washington, DC
West Palm Beach

January 20, 2009

RECEIVED-FPSC
09 JAN 20 PM 4:47
COMMISSION
CLERK

VIA HAND DELIVERY

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

Re: Docket No. 080672-GU – Petition for Approval of a Special Gas Transportation Agreement with Miami-Dade County by Florida City Gas

Dear Ms. Cole:

Enclosed for filing is an original and seven copies of Florida City Gas's Request for Confidential Classification. A separate envelope containing confidential documents related to the filing and a diskette 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

COM _____
ECN
GCL 1 + CD
GFC _____
RCP _____
GSC _____
DGA _____
ADM _____
CLK Enclosures

DOCUMENT NUMBER-DATE
00499 JAN 20 08
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of a Special)
Gas Transportation Agreement with Miami-)
Dade County by Florida City Gas)
_____)

Docket No. 080672-GU
Filed: January 20, 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 Responses to Informal Staff Data Requests filed on December 30, 2008, identified collectively as **Document No. 11956-08**. 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.

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. 11956-08** 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 20th day of January, 2009.

By: 

Matthew Feil
AKERMAN SENTERFITT
106 East College Avenue, Suite 1200
Tallahassee, FL 32301
(850) 425-1614
(850) 222-0103
matt.feil@akerman.com

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 20th January, 2009.

Martha C. Brown*
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

AKERMAN SENTERFITT

106 East College Avenue, Suite 1200

Tallahassee, FL 32301

(850) 425-1614

(850) 222-0103

matt.feil@akerman.com

ATTACHMENT 1

<u>Location</u>	<u>Information</u>	<u>Justification</u>
Informal Staff Data Request Response, Page 2, Response to Question 4, Lines 10 – 11.	Highlighted numbers	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.
Informal Staff Data Request Response, Excel Spreadsheet labeled as "Attachment 1" to the Responses, Page 1 of 1, Columns 2 and 3, lines 9 – 10 and lines 19 – 20. ²	Highlighted numbers	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.

² Columns 2 and 3 are the columns labeled "Per 1999 Rate Design" and "Per Nov '08 Surveillance Report," respectively. The lines identified start with the first line where a numerical value appears under both columns 2 and 3, i.e. "O&M Expense." There are only line assignments for lines with numerical values under columns 2 and 3; in other words, assume no line designation for blank lines and headings.

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

STATE OF FLORIDA



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: January 20, 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 080672 or, if filed in an undocketed matter, concerning FCG's responses to informal staff data requests filed on 12/30/08, and filed on behalf of Florida City 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
00500 JAN 20 09
FPSC - COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us