

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.
(850) 425-2359

November 20, 2003

BY HAND DELIVERY

Blanca Bayó
Director Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 030569-GU
CONFIDENTIAL DOCUMENTS ENCLOSED

Dear Ms. Bayó:

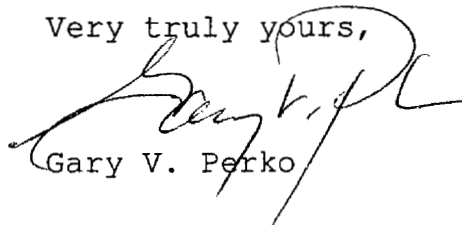
Enclosed for filing on behalf of City Gas Company of Florida are the following:

- (1) the original and seven copies of its Request for Confidential Classification;
- (2) two redacted copies of the confidential documents; and
- (3) a confidential envelope containing one copy of the documents on which the confidential material has been highlighted

By copy of this letter, copies of item (1) and (2) have been furnished to the parties on the attached certificate of service. Please stamp and return the enclosed extra copy of this filing.

If you have any question regarding this filing, please contact the undersigned.

Very truly yours,



Gary V. Perko

Enclosures

cc: Ms. Gloria L. Lopez
Certificate of Service

DOCUMENT NUMBER - DATE

11850 NOV 21 03

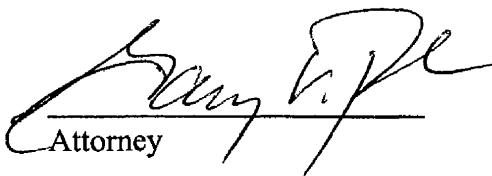
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail and/or hand-delivery (*) to the following in Docket No. 030569-GU this 21st day of November, 2003.

Ralph Jaeger *
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

City Gas Company of Florida
Gloria L. Lopez
955 East 25th Street
Hialeah, FL 33013-3498

Office of Public Counsel
Charles Beck
111 W. Madison Street
812 Claude Pepper Building
Tallahassee, FL 32399-1400



Attorney

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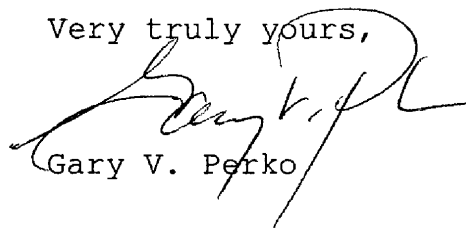
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Gary V. Perko

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DOCUMENT NUMBER-DATE

11850 NOV 21 8

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Rate Increase)
by City Gas Company of Florida)
_____)

Docket No. 030569-GU
Filed: November 21, 2003

**CITY GAS COMPANY OF FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

City Gas Company of Florida, a division of NUI Utilities, Inc. ("City Gas"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3)(a)2, and (4), Florida Administrative Code, submits this Request For Confidential Classification of the documents and information described below which were provided to the Florida Public Commission Staff in connection with Staff 's audit in this Docket (Audit Control No. 03-252-4-1). In support of this Request for Confidential Classification, City Gas states as follows:

1. In connection with Staff's audit, City Gas provided workpapers and documents to the Staff containing information that is "proprietary business information" under Section 366.093(3), Florida Statutes. A detailed description of the information for which the company seeks confidential classification, including page numbers and line numbers, is attached as Exhibit A hereto. Also included in Exhibit A is a detailed justification for the requested confidential treatment of each document.

2. This request is being filed within the time period specified in Rule 25-22.006(3)(a), Florida Administrative Code.

3. For the reasons stated in Exhibit A, City Gas requests that the information described in Exhibit A be classified as "proprietary business information" within the meaning of Section 366.093(3), Florida Statutes. The information and documents at issue are intended to be, and are, treated by City Gas as proprietary and confidential.

DOCUMENT NUMBER-DATE

11850 NOV 21 03

FPSC-COMMISSION CLERK

4. Contemporaneously with this Request, City Gas is filing two copies of redacted versions of documents described in Exhibit A. Where only a portion of the document is confidential, the specific information for which confidential treatment is requested has been blocked out by opaque marker. Since the company is requesting confidential treatment of certain documents in their entirety (WP #9-1, #9-2, #54-4, and #54-5), separate blocked-out versions of the entire documents are not being filed. Rather, for such documents, a single page indicating that the entire document has been redacted is being provided.

5. Unedited versions of the documents described in Exhibit A are being submitted to the Division of Records and Reporting in a separate envelope labeled "CONFIDENTIAL." In the unedited versions, the information asserted to be confidential is highlighted either by yellow marker or, in the case of documents which are confidential in their entirety, by copying on yellow paper.

6. City Gas requests that the information for which it seeks confidential classification remain confidential for a period of at least 18 months as provided in section 366.093(4), Florida statutes.

WHEREFORE, for the foregoing reasons, City Gas respectfully requests that its Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this the 21st day of November, 2003.

HOPPING GREEN & SAMS, P. A.

By: 

Gary V. Perko
P.O. Box 6526
Tallahassee, Florida 32314
(850) 425-2359

Counsel for NUI City Gas Company of Florida

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Rate Increase)
by City Gas Company of Florida)
_____)

Docket No. 030569-GU

Filed: November 21, 2003

**CITY GAS COMPANY OF FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

EXHIBIT A

JUSTIFICATION FOR CONFIDENTIAL TREATMENT

EXHIBIT A

Document	Page(s)	Line Nos.	Justification
WP #8 Notes of Directors Minutes	1	1-14	The highlighted information from these notes of Board of Director's minutes pertains to internal business plans and strategies, bids for contractual services and other competitive information, the release of which would cause harm to the competitive interests of the company. See, Order No. PSC-00-1529-CFO-GU
	2	1-9	
	3	1-11	
	4	1-10	
	6	1	
	7	1-2	
	8	1-4	
	9	1-7	
	10	1-5	
	11	1-6	
	12	1-5	
	WP #9-1 Internal Audit Report	All	
WP #9-2 External Audit Work Papers	All	All	These work papers of the company's external auditor reveal work plans and audit strategies considered and maintained as confidential work product by the audit firm. The Commission's long-standing policy is to treat such information confidential under Section 366.093, Florida Statutes. See, Order No. PSC-01-1038-CFO-EI.
WP #9-4 Notes on External Audit	1	1-17	The highlighted portions of these notes taken from the work papers of the company's external auditor reveal information related to the company's assessment of potential liability resulting from injury and damage claims. If released, such information could harm the company's ability to resolve such claims on favorable terms and, therefore, harm the company's business interests.
WP #9-5 Notes on External Audit	1	1-45	
	2	1-10	
WP #9-6 Notes on External Audit	1	1-36	
WP #9-7 Notes on External Audit	1	1-15	

Document	Page(s)	Line Nos.	Justification
WP #9-8 Notes on External Audit	1	1-3	The highlighted portions of these notes taken from the work papers of the company's external auditor reveal information related to the company's financing of a meter lease. If released, such information could harm the company's ability to obtain similar financing on favorable terms and, therefore, harm the company's business interests.
WP #9-9 Notes on External Audit	1	1-14	The highlighted portions of these notes taken from the work papers of the company's external auditor pertain to internal business plans and strategies, and other competitive information, the release of which would cause harm to the competitive interests of the company.
	2	1-4	
	3	1-3	
WP #9-10 Notes on External Audit	1	1-2	These highlighted portions of notes taken from the work papers of the company's external auditor pertain to potential financing arrangements which, if revealed, could harm the company's ability to obtain similar financing on favorable terms and, therefore, harm the company's business interests.
WP #9-11 Notes on External Audit	1	4-18	
	1	1-3	These highlighted portions of notes taken from the work papers of the company's external auditor relate to the assessment of pending litigation and, if released, could harm the company's ability to resolve this or similar litigation on favorable terms and, therefore, harm the company's business interests.
WP #9-14 External Auditor Engagement Letter	3	1	The highlighted information in this engagement letter for the company's external auditor relates to the fees for the audit engagement. This is contractual information which, if made public, would impair the efforts of the company to contract for services on favorable terms.
WP #48-15/2 Restricted Stock Grants	1	1-17	The highlighted information relates to incentive stock grants which, if disclosed, would enable competing companies to meet or beat the incentive grants awarded by the company and, therefore, harm the company's business interest in retaining employees. See, Order No. PSC-02-01755-CFO-GU.
WP #48-15/2-5 Pension Plan & Retiree Medical Plan	All	All	This letter report from the company's actuary firm presents an analysis of Pension Plan and Retirement Medical Plan budget projections and liability estimates. This information relates to internal business planning and strategies, the release of which would harm the business interests of the company. The Commission previously has afforded confidential treatment to confidential information related to employee retirement and pension benefits. See, Order No. PSC-01-2475-PCO-EI.

Document	Page(s)	Line Nos.	Justification
WP #49-4/7-2 Consulting Agreement	2	1	The highlighted materials in this consulting agreement between John Kean and NUI Corporation reveal confidential terms of the consulting agreement which, if made public, would impair the efforts of the company to contract for services on favorable terms.
	3	1	
WP #49-4/9-1 2004 Retirement Medical/Dental Plan Budget Calculations	1	1-8	This document is an Exhibit to the letter report from the company's actuarial firm discussed above. The highlighted information relates to budget projections developed for internal business planning purposes. Such information is considered proprietary and confidential by the company and, if released, could harm the business interests of the company.
	2	1-13	
WP #52-1/6 Utility Business Services	1	1-20	The highlighted information on this document includes clients names and rates for NUI Corporation's Utilities Business Services (UBS) Division. Such information is customer specific and is proprietary to the customer and to NUI Corporation. If made public, such information would cause competitive harm to the NUI Corporation by potentially allowing competitors to meet or beat the rates charged by UBS.
WP #54-4 Florida Corporate Income/Franchise & Emergency Tax Return	All	All	State income/franchise tax returns are generally kept confidential by the Department of Revenue under Section 213.053(2), Florida Statutes. Such returns contain detailed financial information that is competitively sensitive and not otherwise publicly available. It is the Commission's policy to afford confidential treatment to state tax returns. <i>See</i> , Order Nos. PSC-99-0462-CFO-EI.
WP #54-5 US Corporate Income Tax Return	All	All	Federal tax returns are generally kept confidential by the Internal Revenue Service under 26 U.S.C. § 6103(a). Such returns contain detailed financial information that is competitively sensitive and not otherwise publicly available. It is the Commission's policy to afford confidential treatment to federal income tax returns. <i>See</i> , Order Nos. PSC-99-0462-CFO-EI and PSC-92-1073-CFO-WS.