



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

DATE: June 14, 2007

TO: Ralph R. Jaeger, Senior Attorney, Office of the General Counsel

FROM: Christine G. Romig, Regulatory Analyst IV, Division of Economic Regulation

RE: Docket No. 060657-GU, Florida City Gas's Request for Confidential Classification
- Document No. 04406-07

RECEIVED-FPSC
JUN 22 AM 10:00
COMMISSION CLERK

On May 30, 2007, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Florida City Gas (FCG) filed a request that the Florida Public Service Commission enter an order protecting from public disclosure certain information. The subject information was provided to staff in response to staff's informal requests in connection with the above-referenced docket.

Specifically, FCG seeks to protect from public disclosure pages 20 through 22 of the Gas Supply Asset Assignment and Agency Agreement between NUI Utilities Inc. and Cinergy Marketing & Trading, L.P., dated April 7, 2004, and pages 11 and 12 of the current Asset Management Agreement between FCG and Sequent Energy Management L.P., effective April 1, 2005. These five pages from the two contracts are identified as Document No. 04406-07.

FCG contends that this document is proprietary confidential business information as defined and included in Section 366.093(3), F.S. In support of its request, FCG states that pages 20 through 22 contain the terms of the prepayment obligation of NUI when purchasing gas from Cinergy. FCG states that this contract was "signed by a prior owner of the utility and has been treated by FCG as private and has not been publicly disclosed, and has been obtained only pursuant to a private agreement which provides that the information will not be released to the public." FCG also contends that pages 11 and 12 contain the terms of the current payment obligation of FCG when purchasing gas from Sequent. FCG states that these contract terms "have been treated by FCG as private and have not been publicly disclosed." Further, that "disclosure of these terms would impair the efforts of FCG to contract for goods or services on favorable terms."

- CMP** _____ FCG as private and has not been publicly disclosed, and has been obtained only pursuant to a
- COM** _____ private agreement which provides that the information will not be released to the public." FCG
- CTR** _____ also contends that pages 11 and 12 contain the terms of the current payment obligation of FCG
- ECR** _____ when purchasing gas from Sequent. FCG states that these contract terms "have been treated by
- GCL** _____ FCG as private and have not been publicly disclosed." Further, that "disclosure of these terms
- OPC** _____ would impair the efforts of FCG to contract for goods or services on favorable terms."
- RCA** _____ Staff agrees that Document No. 04406-07 should be considered proprietary confidential business
- SCR** _____ information for the reasons given by FCG. The three pages of the Cinergy contract and the two
- SGA** _____ pages of the Sequent contract come under Section 366.093(3) generally, and Sections
- SEC** _____ 366.093(3)(d) and (e), F.S., specifically. Section 366.093(3)(d), F.S. addresses, "... contractual
- OTH** _____ data, the disclosure of which would impair the efforts of the public utility or its affiliates to
- Hempstead* _____ contract for goods or services on favorable terms." Section 366.093(3)(e), F.S. addresses,
- _____ "Information relating to competitive interests, the disclosure of which would impair the
- _____ competitive business of the provider of the information." Staff believes pages 20 through 22 of
- _____ Document No. 04406-07 appear to be covered by Subparagraph 366.039(3)(e), and pages 11 and

DOCUMENT NUMBER-DATE

05004 JUN 22 07

FPSC-COMMISSION CLERK

12 of Document No. 04406-07 appear to be covered by Subparagraph 366.093(3)(d), F.S. For the above-noted reasons, the above-noted documents should be accorded confidential classification.

Attachments: Memorandum from Division of the Commission Clerk and
Administrative Services dated May 31, 2007
Request for Confidential Classification

Cc: Division of Economic Regulation (Slemkewicz, Bulecza-Banks)
Division of the Commission Clerk
Bureau of Records and Hearing Services
Office of General Counsel

STATE OF FLORIDA

COMMISSIONERS:
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ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission
M-E-M-O-R-A-N-D-U-M

07 MAY 22 11:17:25
CONFIDENTIAL

DATE: May 31, 2007

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE AND
CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 04406-07

DESCRIPTION: FCG (Engelhardt) - (CONFIDENTIAL) Responses to staff's informal request for additional data.

SOURCE: Florida City Gas

DOCKET NO(S): 060657-GU

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (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 company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Christina S. Kumi

Date: June 6, 2007

cc: GCL FLL
 CMP CLK
 ECR RCA

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida City Gas)
for Approval of an Acquisition)
Adjustment and Recognition of a)
Regulatory Asset)

Docket No. 060657-GU
Date Filed: May 30, 2007

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida City Gas ("Petitioner," "FCG," or "the 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 being provided to the Florida Public Service Commission ("Commission," "PSC," or "Staff") in connection with FCG's Petition for Approval of an Acquisition Adjustment and Recognition of a Regulatory Asset, PSC Docket 060657-GU. This information is being provided in response to Staff's informal request for additional data. Attached to this Request is an envelope marked "CONFIDENTIAL" containing the sole copy of the confidential information being provided. A public, redacted version of these documents is attached to each filed copy of 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

administrative body, or private agreement that provides that the information will not be released to the public." § 366.093(3), Fla. Stat.

3. Proprietary confidential business information includes information concerning "contractual data, the disclosure of which would impair the efforts of a public utility or its affiliates to contract for goods or services on favorable terms." § 366.093(3)(d), Fla. Stat.

4. The designated 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 pages 20 through 22 of the Gas Supply Asset Assignment and Agency Agreement between NUI Utilities Inc. and Cinergy Marketing & Trading, L.P., dated April 7, 2004. These pages contain the terms of the prepayment obligation of NUI when purchasing gas from Cinergy. This contract was, of course, signed by a prior owner of the utility and has been treated by FCG as private and has not been publicly disclosed, and has been obtained only pursuant to a private agreement which provides that the information will not be released to the public. The contractual data herein is therefore proprietary confidential business information and is entitled to protection under Section 366.093 and Rule 25-22.006.

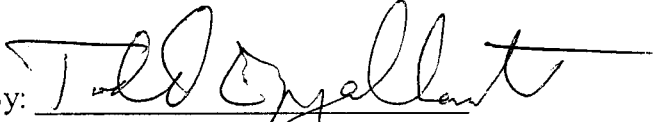
6. Attachment 2 to this Request consists of pages 11 and 12 of the current Asset Management Agreement between FCG and Sequent Energy Management, L.P., effective April 1, 2005. These pages contain the terms of the current payment obligation of FCG when purchasing gas from Sequent. These contract terms have been treated by FCG as private and have not been publicly disclosed. Disclosure of these terms would impair the efforts of FCG to contract for goods or services on favorable terms. The contractual data herein is therefore proprietary

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

7. 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 30th day of May, 2007.

FLORIDA CITY GAS

By: 
Todd D. Engelhardt

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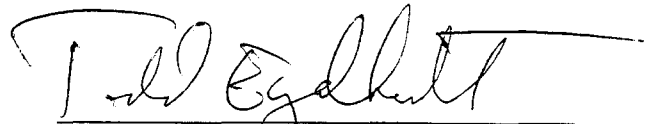
CERTIFICATE OF SERVICE

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 30th day of May, 2007.

Cheryl Bulecza-Banks, Bureau Chief *
Division of Economic Regulation
Room 160, Gunter Building
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Ralph Jaeger, Staff Counsel *
Office of the General Counsel
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