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COMMISSION
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September 13, 2007

VIA HAND DELIVERY

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

Re: PSC Docket 070003-GU; In re Purchased Gas Adjustment (PGA) True-Up

Dear Ms. Cole:

Attached to this letter please find an original and 7 copies of Florida City Gas' ("FCG") Request for Confidential Classification of certain material being provided to Staff in response to Staff's First Set of Interrogatories to FCG, in connection with the above-referenced Docket. The confidential information is being provided in a sealed separate envelope marked "CONFIDENTIAL", also attached to this letter. The confidential documents within this envelope have been printed on yellow paper or have sections highlighted in yellow to emphasize their confidential status. Two redacted copies of these documents have also been included within FCG's enclosed submission.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL 1 _____
- OPC _____
- RCA _____
- SCR _____
- SCA _____
- SEC _____

Thank you for your assistance with this filing, and please do not hesitate to contact me with any questions or concerns.

Sincerely,

AKERMAN SENTERFITT

Todd D. Engelhardt

DOCUMENT NUMBER-DATE

08325 SEP 13 07

FPSC-COMMISSION CLERK

1 copy records (TL136401;1)

Ann Cole, Commission Clerk
September 13, 2007
Page 2

Enclosures
cc: Elizabeth Wade

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Purchased Gas Adjustment)
(PGA) True-Up)
_____)**

**Docket No. 070003-GU
Date Filed: September 13, 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 Purchased Gas Adjustment ("PGA") True-Up, PSC Docket 070003-GU. This information has been provided in response to Staff's First Set of Interrogatories to Florida City Gas. Attached to this Request is an envelope marked "CONFIDENTIAL" containing one highlighted, and two redacted copies of the confidential information being provided. This information is currently subject to a Notice of Intent to Request Confidential Classification, filed August 30, 2007. 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. Specifically, FCG requests confidential classification of its answer to Staff's Interrogatory Number 1. This Interrogatory asks FCG to identify and describe all gas supply contracts that are included in the PGA clause for recovery in 2007 and 2008. The answer to this Interrogatory contains information, including specific contract terms and data, which has been treated by FCG as private and has not been publicly disclosed. These terms and data, if disclosed, would impair the efforts of FCG to contract for goods or services on favorable terms in the future. In fact, within the answer itself is a statement attesting to the confidential nature of the information being supplied to the Staff. The contractual terms and data therein is therefore proprietary confidential business information and is entitled to protection under Section 366.093 and Rule 25-22.006. As such, FCG seeks confidentiality of its entire response to FPSC Staff's Interrogatory Number 1 to FCG.

6. Also included in this Request is the actual Asset Management and Agency Agreement Between NUI Utilities, Inc., and Sequent Energy Management, L.P., which is referenced in the answer to Interrogatory 1. This document contains 40 pages, including all of the attachments. 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. As such, FCG seeks confidential classification of the Asset Management and Agency Agreement in its entirety.

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 13th day of September, 2007.

FLORIDA CITY GAS

By: 

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(850) 224-9634

Attorneys for Florida City Gas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail to the following parties of record this 13th day of September, 2007.

Cheryl Martin/John T. English
Florida Public Utilities Company
Post Office Box 3395
West Palm Beach, FL 33402-3395

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ANN COLE
COMMISSION CLERK
(850) 413-6770

CONFIDENTIAL

Public Service Commission

ACKNOWLEDGEMENT

DATE: 9/13/07

TO: Todd D. Engelhardt

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 0700003-GU or, if filed in an undocketed matter, concerning certain information provided to staff in response to staff's 1st set of interrogatories to FCG, 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
08326 SEP 13 2007
FPSC-COMMISSION CLERK

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