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March 21, 2008

RECEIVED-FPSC  
08 MAR 21 PM 12:46  
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**VIA HAND DELIVERY**

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

**Docket No. 080152-GU: Petition for approval of recognition of a regulatory asset under provisions of Statement of Financial Accounting Standard (SFAS) No. 71, by Florida City Gas.**

Dear Ms. Cole:

CMP \_\_\_\_\_  
COM \_\_\_\_\_ Enclosed for filing, please find an original and 15 copies of Florida City Gas's Request  
CTR \_\_\_\_\_ for Confidential Treatment of certain information contained in Florida City Gas's Petition for  
ECR \_\_\_\_\_ Approval of Recognition of Regulatory Asset, filed in this Docket on March 12. Also enclosed,  
GCL \_\_\_\_\_ please find one highlighted, and two redacted copies of the material for which confidential  
DPC \_\_\_\_\_ treatment is requested.

PCA \_\_\_\_\_  
SCR \_\_\_\_\_ If you have any questions, please don't hesitate to contact me,  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_

OTH 1 cent  
records  
(TL153572.1)

Sincerely,

*Beth Heaton*

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Ms. Ann Cole  
March 21, 2008  
Page 2

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**Beth Keating**  
**AKERMAN SENTERFITT**  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32302-1877  
Phone: (850) 224-9634  
Fax: (850) 222-0103

Enclosures

cc: Elizabeth Wade

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for  
approval of recognition of  
a regulatory asset under provisions  
of Statement of Financial Accounting  
Standard (SFAS) No. 71, by Florida City  
Gas Petition**

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Docket No. 080152-GU  
Filed March 21, 2008

**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 contained in FCG's Petition for Approval of Recognition of Regulatory Asset under Provisions of Statement of Financial Accounting Standard (SFAS) No. 71, filed on March 12, 2008 (Document No. 01856-08). 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

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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, but is not limited to, 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," as well as information "relating to competitive interests, the disclosure of which the competitive business of the provider of the information." §§ 366.093(3)(d) and (e), 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 a chart, which specifically sets forth a line-by-line justification for maintaining specific information in the Petition 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 private settlement 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. FCG no longer seeks confidential classification of certain numbers previously identified as confidential in its Notice of Intent filed on March 12. Attachment 1, therefore, represents the full and complete identification of information for which FCG seeks confidential treatment. Other information contained in the Petition that FCG had previously identified as confidential, but which is not included on Attachment 1, may now be released as public information.

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 31st day of March, 2008.

**FLORIDA CITY GAS**

By: 

Beth Keating

Florida Bar No. 0022756  
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*Attorneys for Florida City Gas*

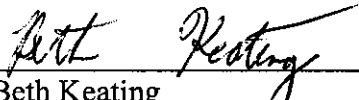
**CERTIFICATE OF SERVICE**

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 21st day of March, 2008.

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  
Room 370, Gunter Building  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Charles J. Beck \*  
Office of the Public Counsel  
111 Madison Street, Room 812  
Tallahassee, FL 32399-1400

  
\_\_\_\_\_  
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Tallahassee, FL 32301  
(850) 224-9634

*Attorneys for Florida City Gas*

ATTACHMENT 1

<u>Location</u>	<u>Information</u>	<u>Justification</u>
Paragraph 3, Line 6	Highlighted number	Preliminary number, the disclosure of which could have a detrimental impact on the outcome of settlement discussions in currently ongoing litigation.
Paragraph 3, Line 7	Highlighted number	Amount that could be used to deduce other confidential amounts, the disclosure of which could have a detrimental impact on the outcome of settlement discussions.
Paragraph 8, line 2	Highlighted number	Preliminary number, the disclosure of which could have a detrimental impact on the outcome of settlement discussions in currently ongoing litigation.
Paragraph 8, line 4 (first bullet)	Highlighted number	Preliminary number, the disclosure of which could have a detrimental impact on the outcome of settlement discussions in currently ongoing litigation.
Paragraph 15, line 2	Highlighted number	Amount that could be used to deduce other confidential amounts, the disclosure of which could have a detrimental impact on the outcome of settlement discussions.
Paragraph 19, line 2 (page 6)	Highlighted number	Amount that could be used to deduce other confidential amounts, the disclosure of which could have a detrimental impact on the outcome of settlement discussions.

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<u>Location</u>	<u>Information</u>	<u>Justification</u>
Paragraph 19 (continuation), page 7, line 1	Highlighted number	Amount that could be used to deduce other confidential amounts, the disclosure of which could have a detrimental impact on the outcome of settlement discussions.



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

**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: March 21, 2008

TO: Beth Keating, 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 080152 or, if filed in an undocketed matter, concerning certain material contained in FCG's Petition filed on 3/12/08, 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  
02126 MAR 21 08  
FPSC-COMMISSION CLERK

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)