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IN REPLY REFER TO:

Ansley Watson, Jr.  
P.O. Box 1531  
Tampa, Florida 33601  
e-mail: aw@macfa.com

COMMISSION  
CLERK

DEC 10 PM 12:32

RECEIVED-FPSC

December 9, 2008

VIA FEDEX

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

Re: **Docket No. 080318-GU -- Petition for rate increase by Peoples Gas System**

Dear Ms. Cole:

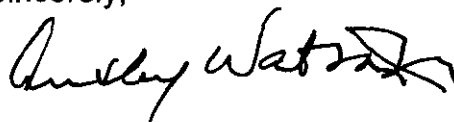
Enclosed for filing in the above docket on behalf of Peoples Gas System ("Peoples") are the original and 20 copies of Peoples' **Request for Confidential Classification and Motion for Temporary Protective Order** with respect to documents produced pursuant to Citizens' Request for Production of Documents No. 59.

Also enclosed, in an envelope marked "CONFIDENTIAL," is a single copy of each of the documents for which confidential treatment is sought, with the confidential information printed on yellow paper.

Please acknowledge your receipt and the date of filing of the enclosures on the duplicate copy of this letter and return the same to me in the enclosed preaddressed envelope.

Thank you for your usual assistance.

Sincerely,



ANSLEY WATSON, JR.

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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- ADM
- CLK 1

Ann Cole, Commission Clerk  
December 9, 2008  
Page 2

AWjr/a  
Enclosures

cc: Parties of Record  
Mrs. Kandi M. Floyd

**REDACTED**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase )  
by Peoples Gas System. )  
\_\_\_\_\_ )

Docket No. 080318-GU

Submitted for Filing:  
12-10-08

**PEOPLES GAS SYSTEM'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Peoples Gas System ("Peoples" or the "Company"), pursuant to Section 366.093, *Florida Statutes*, and Rule 25-22.006, *Florida Administrative Code*, hereby requests confidential classification of (and the issuance of a temporary protective order with respect to) the document(s) printed on yellow paper and the yellow highlighted information contained in the following described document(s) (the "Document(s)") stamped "CONFIDENTIAL", which are submitted herewith, all of said confidential information being hereinafter referred to as "Confidential Information."

**Description of the Document(s)**

The Documents consist of documents produced by Peoples in response to the Office of Public Counsel's Request for Production of Documents No. 59 (relating to payroll, bonus and compensation studies). In support of its request, Peoples states:

1. Subsection 366.093(1), *Florida Statutes*, provides that any records "found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1), *Florida Statutes* [requiring disclosure under the Public Records Act]." Proprietary confidential business information includes, but is not limited to "trade secrets", "information concerning bids and other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to

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contract for goods or services on favorable terms,” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Subsections 366.093(3)(a), (d) and (e), *Florida Statutes*. The Confidential Information that is the subject of this request and motion falls within the statutory categories, and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, *Florida Statutes*, and Rule 25-22.006, *Florida Administrative Code*.

2. Attached hereto as Exhibit “A” is justification for confidential treatment of the Confidential Information contained in the Documents.

3. The Confidential Information contained in the Documents is intended to be and is treated by Peoples as private and has not been publicly disclosed.

4. For the same reasons set forth herein in support of its request for confidential classification, Peoples also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), *Florida Administrative Code*, protecting the Confidential Information from public disclosure.

**Requested Duration of Confidential Classification**

5. Peoples requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), *Florida Administrative Code*. If, and to the extent that the Company is in need of confidential classification of the Confidential Information beyond the 18 month period set forth in the Commission rule, the justification and grounds for such extended period of confidential treatment are set forth in Exhibit “C” to this request and motion.

WHEREFORE, Peoples Gas System respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The Company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), *Florida Administrative Code*, protecting the Confidential Information from public disclosure.

DATED this 9th day of December, 2008.

Respectfully submitted,



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Ansley Watson, Jr.  
Macfarlane Ferguson & McMullen  
P. O. Box 1531  
Tampa, Florida 33601-1531  
(813) 273-4321

Attorneys for Peoples Gas System

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification and Motion for Temporary Protective Order, filed on behalf of Peoples Gas System, has been furnished by U. S. Mail this 9th day of December, 2008, to the following:


Caroline M. Klancke, Esquire  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Katherine E. Fleming, Esquire  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Stephen C. Burgess, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

John W. McWhirter, Jr., Esquire  
McWhirter Law Firm  
P. O. Box 3350  
Tampa, Florida 33601-3350

Ms. Annette Follmer  
U. S. Gypsum Company  
P. O. Box 806278  
125 S. Franklin Street  
Chicago, Illinois 60680-4124

  
\_\_\_\_\_  
Ansley Watson, Jr.

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED PORTIONS  
OF THE DOCUMENTS**

<u>Bates Page No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
37356 through 37357	All highlighted information	(1), (2)
37364 through 37366	All highlighted information	(1), (2)
37388		
37394 through 37396	All highlighted information	(1), (2)
38580	All highlighted information	(1), (2)

- 
- (1) The Confidential Information contained in the Document(s) is intended to be and is treated by Peoples as private and has not been publicly disclosed. The information in question consists of third party consultant work product, to-wit, comparative job position compensation study results. Public disclosure of this information would harm the competitive interests of the third party consultant by disclosing information with respect to its procedures, techniques and methodologies in assembling comparative information collected and disseminated with the understanding it will not be disclosed to others. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), *Florida Statutes*.
- (2) The information is proprietary third party, privately negotiated and proprietary contractual information, the disclosure of which would place Peoples in breach of agreements pursuant to which such information was obtained. Disclosure of the information would impair Peoples' future efforts to obtain the data from the third party provider on favorable terms, or at all. As such the information in question is entitled to protection from disclosure pursuant to Section 366.093 (3)(d), *Florida Statutes*.

**PUBLIC VERSION(S) OF THE DOCUMENT**

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document with the Confidential Information redacted.

Public Version(s) of the Document attached

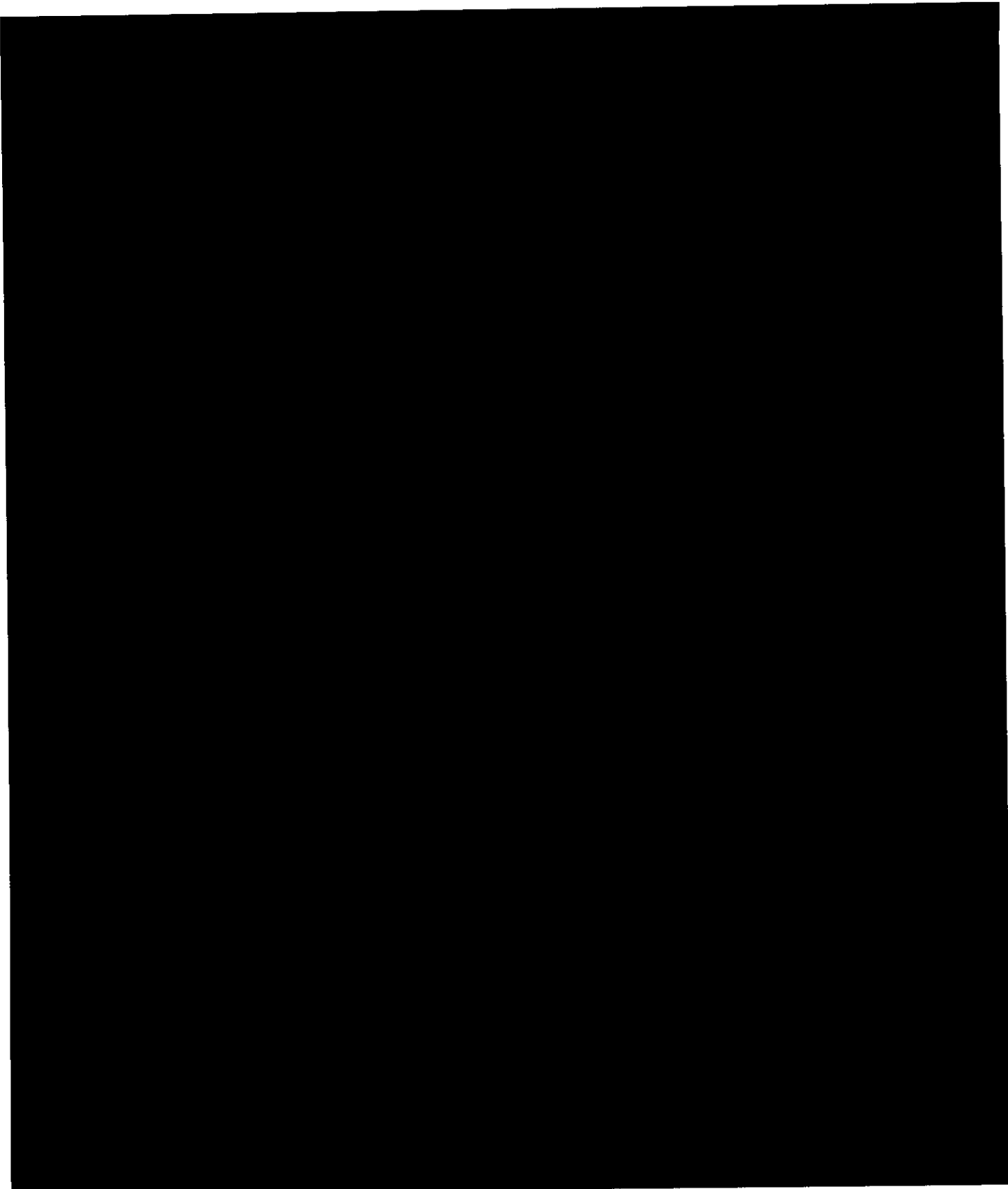
Public Version(s) of the Document previously served on \_\_\_\_\_

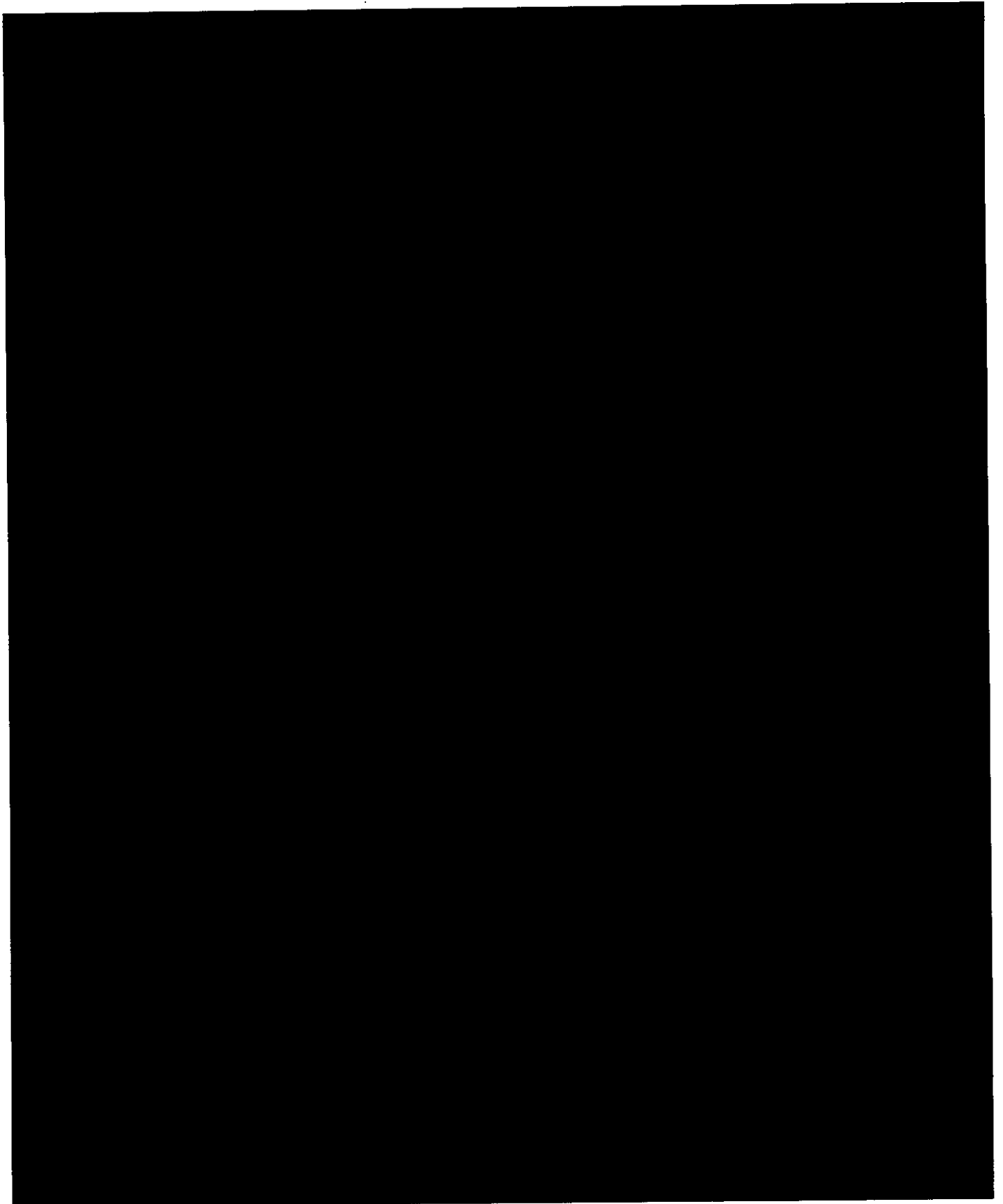


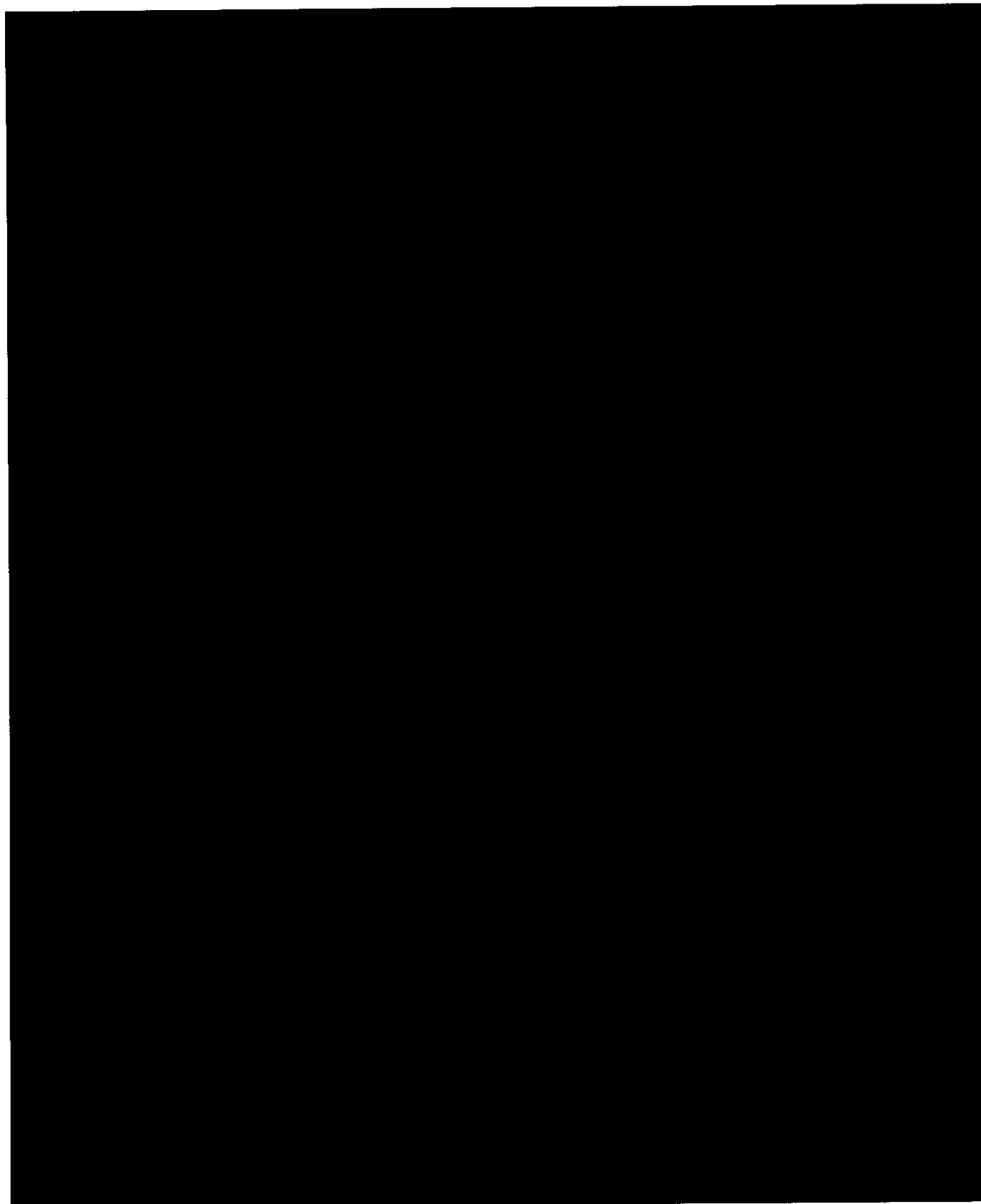
## **REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

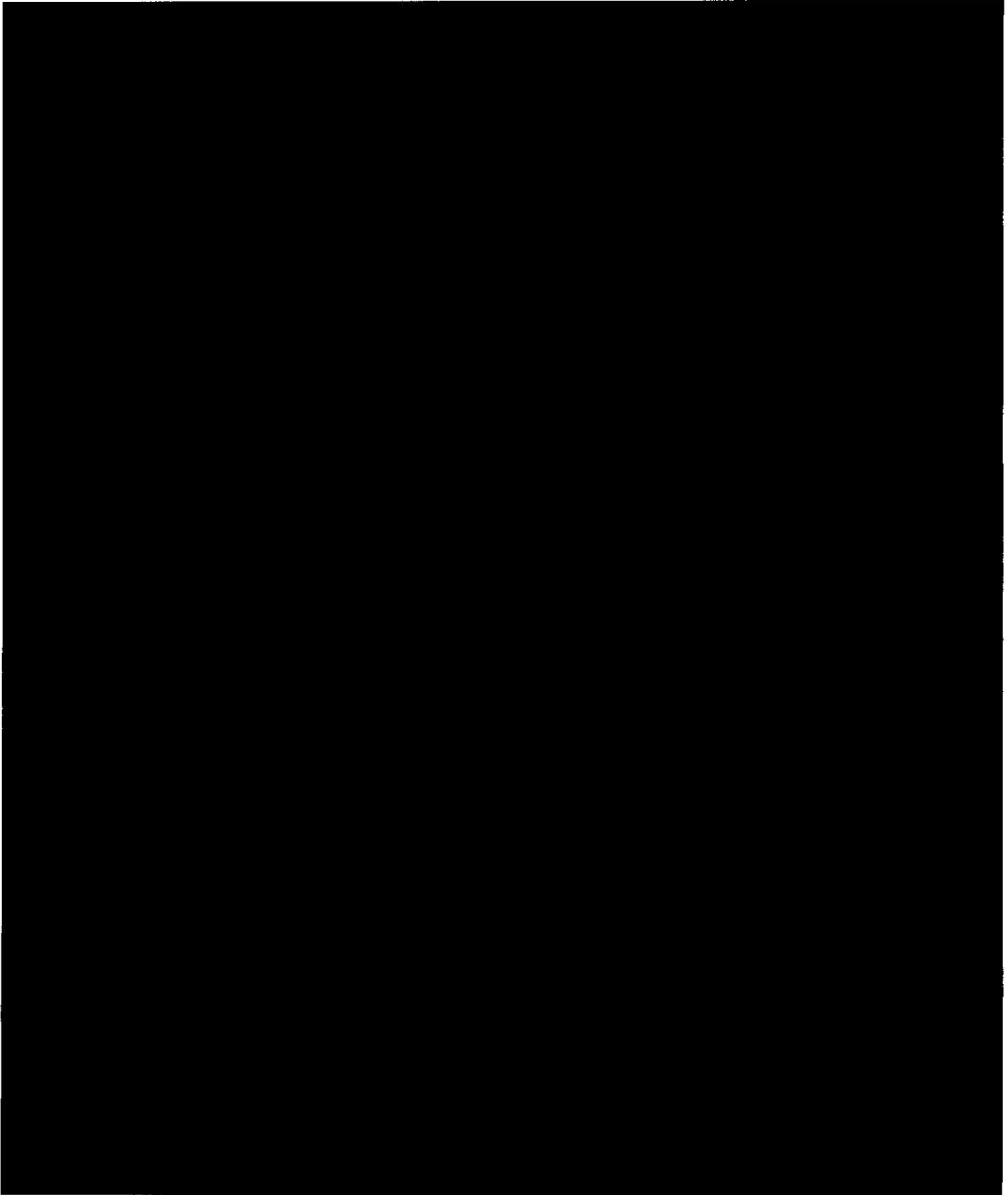
Peoples requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefore is set forth below:

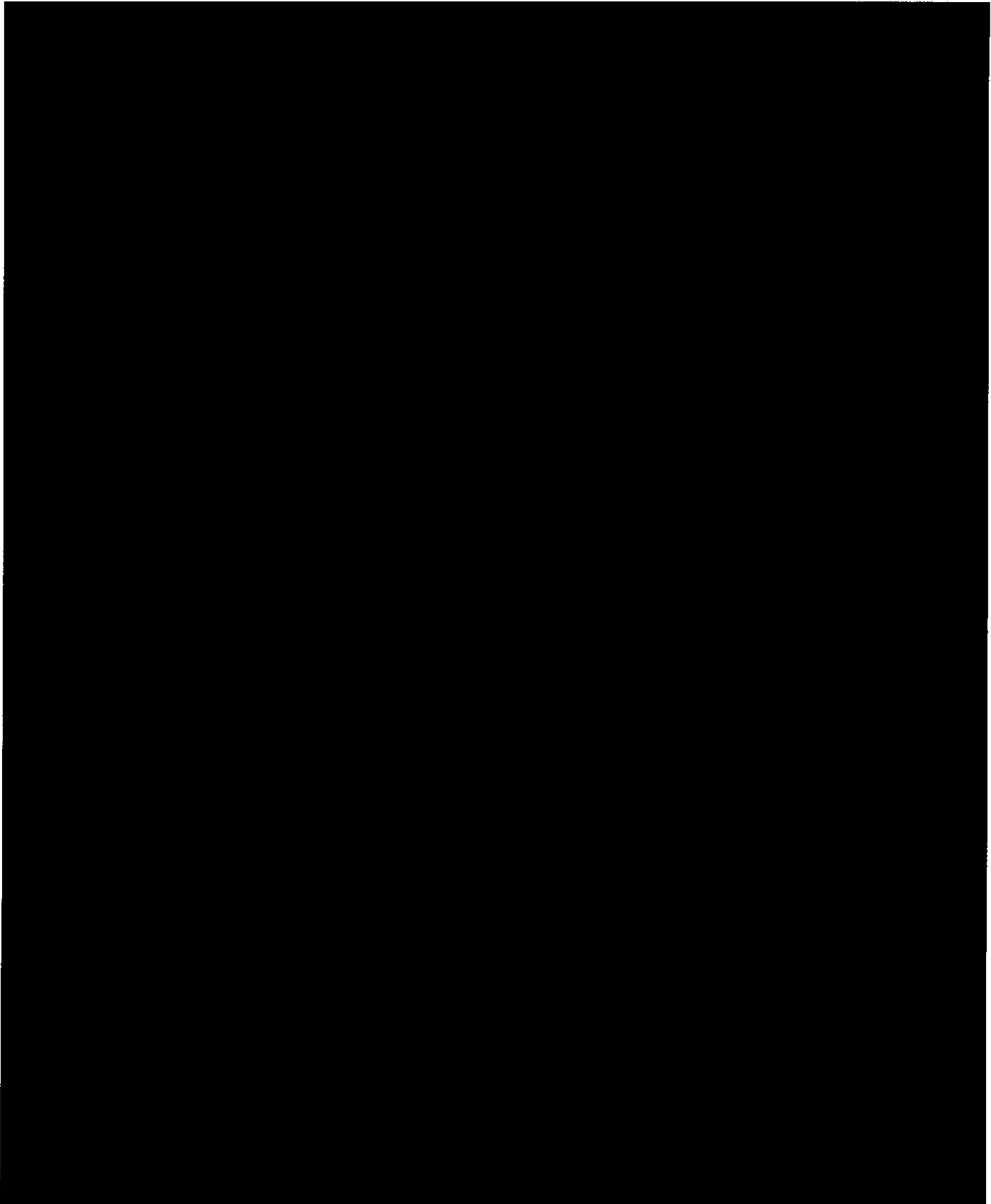
n/a

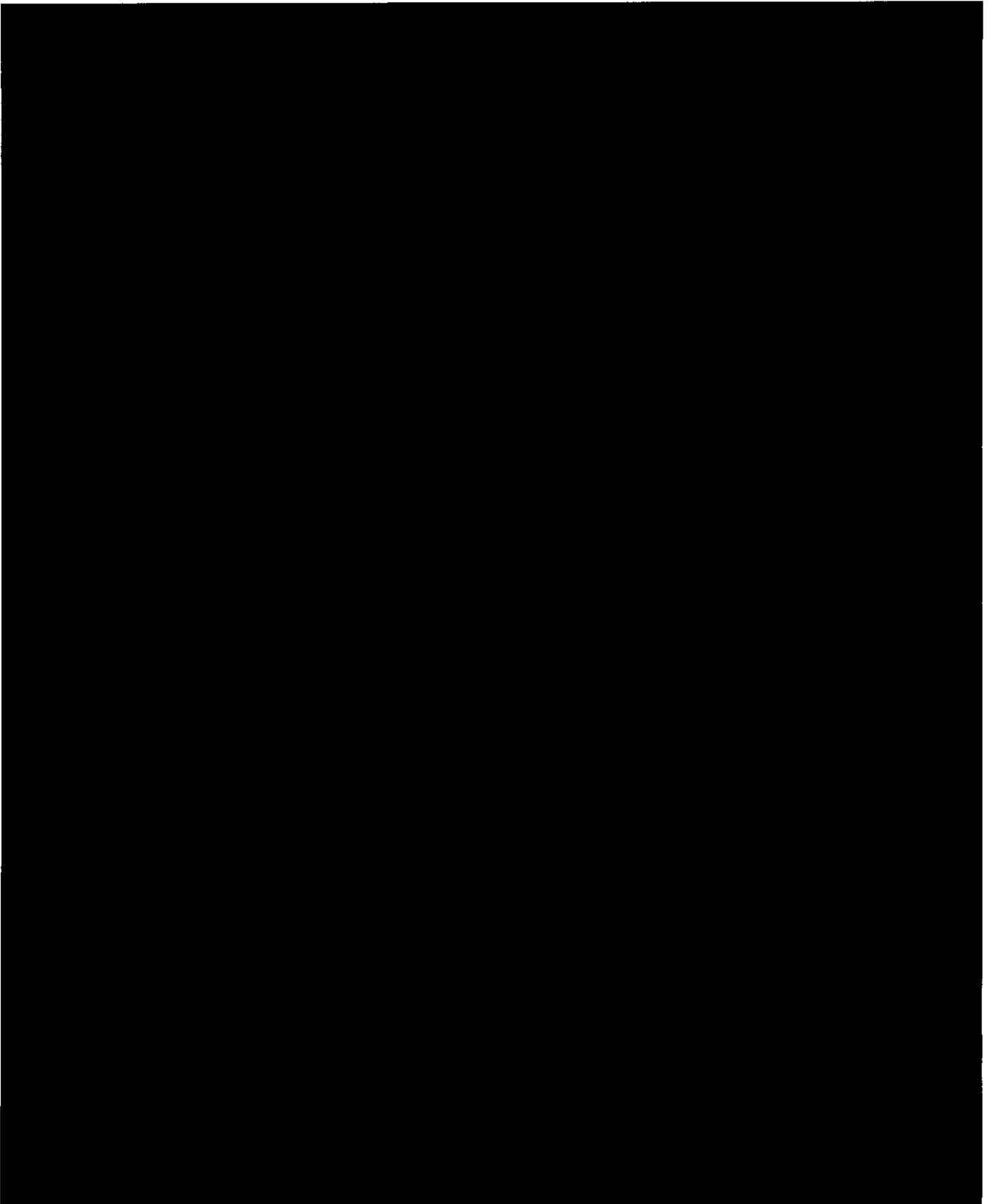


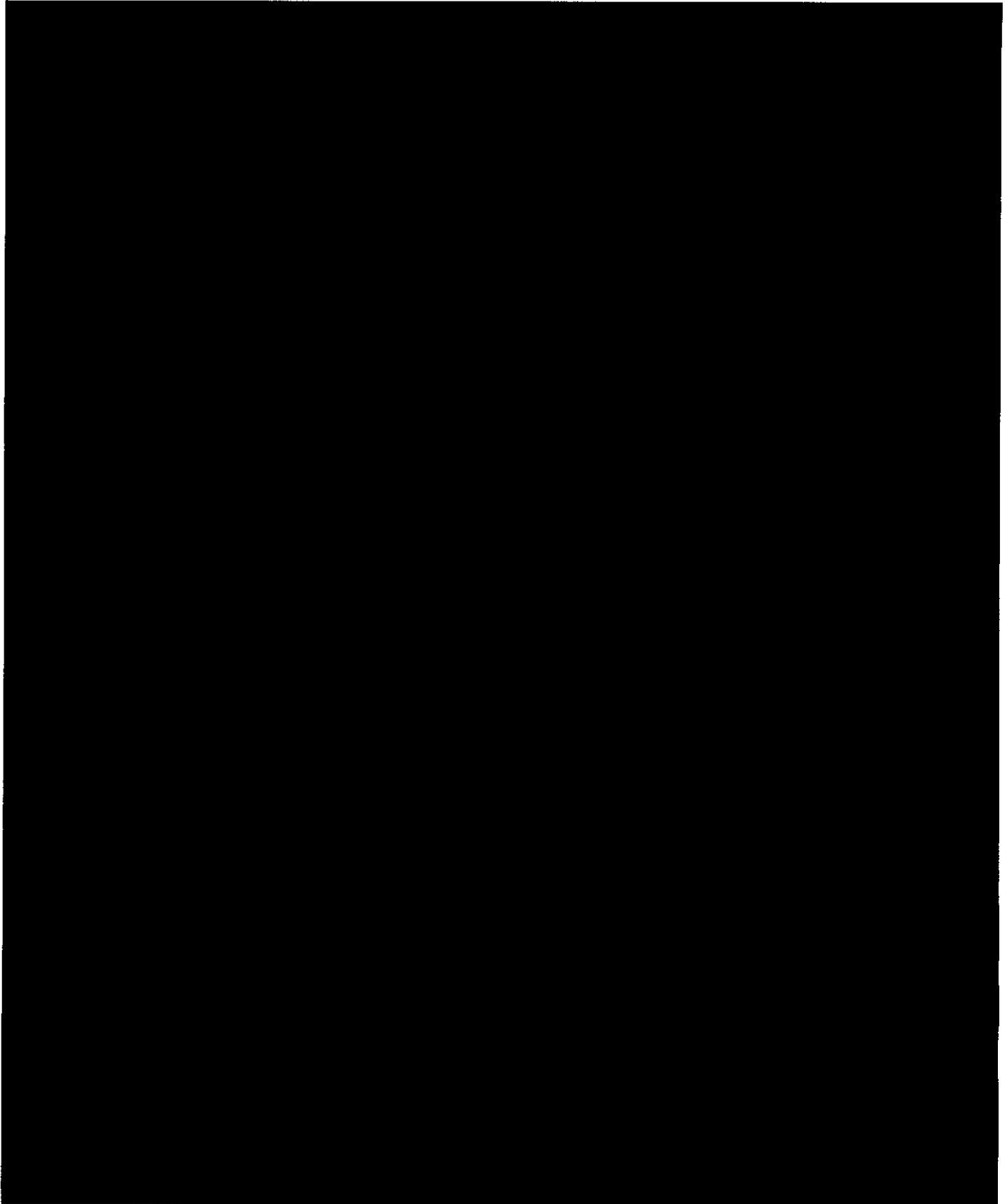




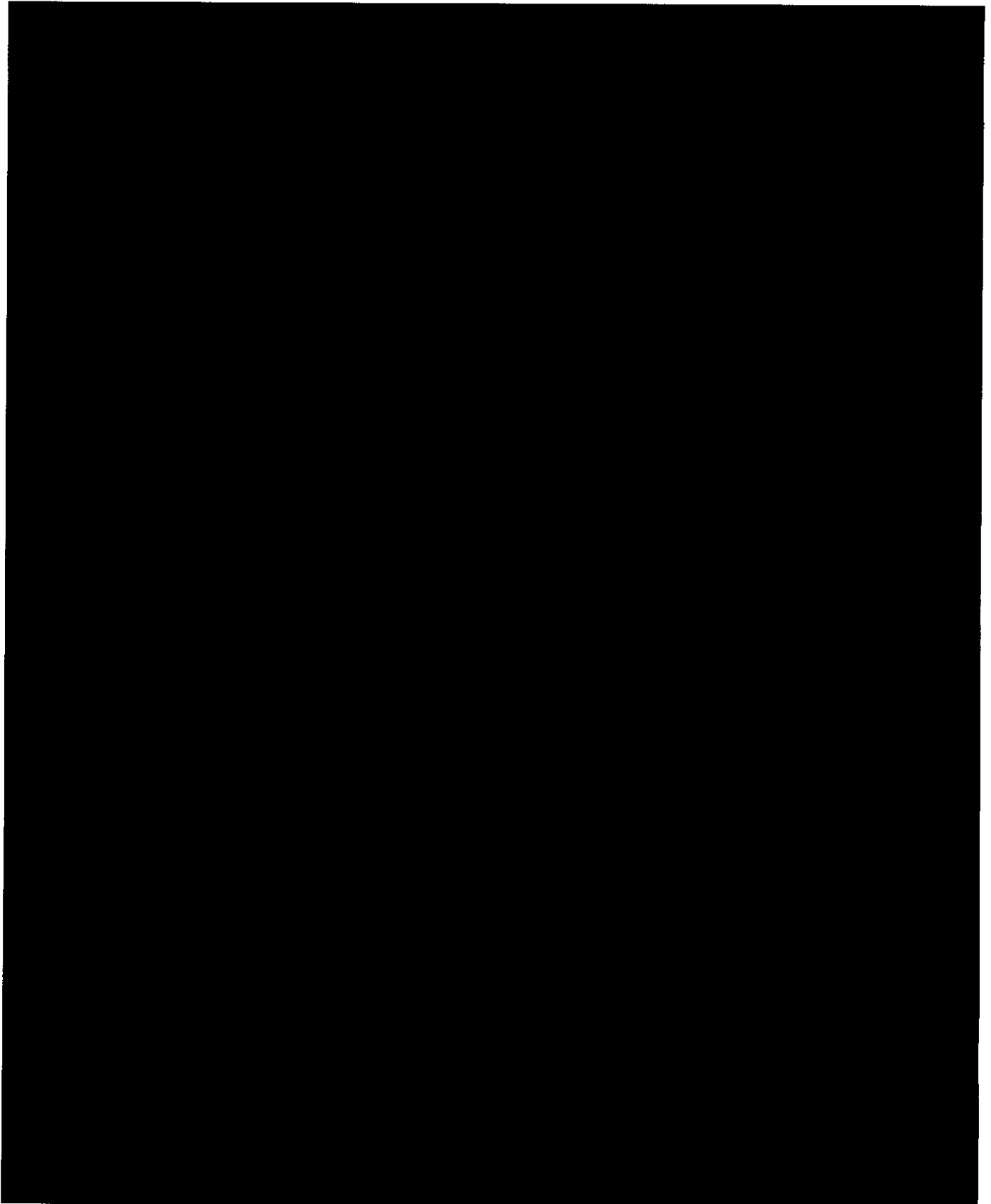


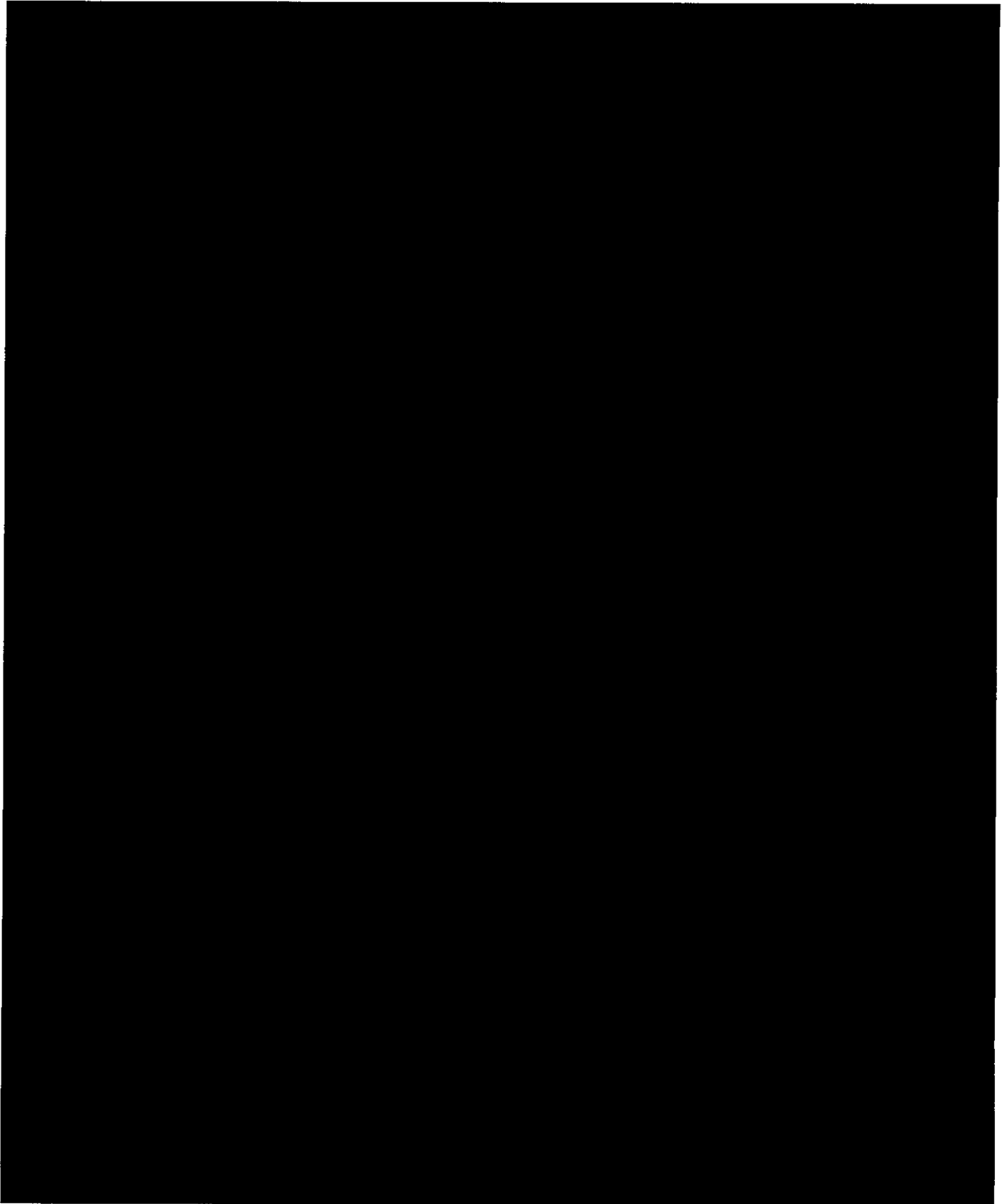


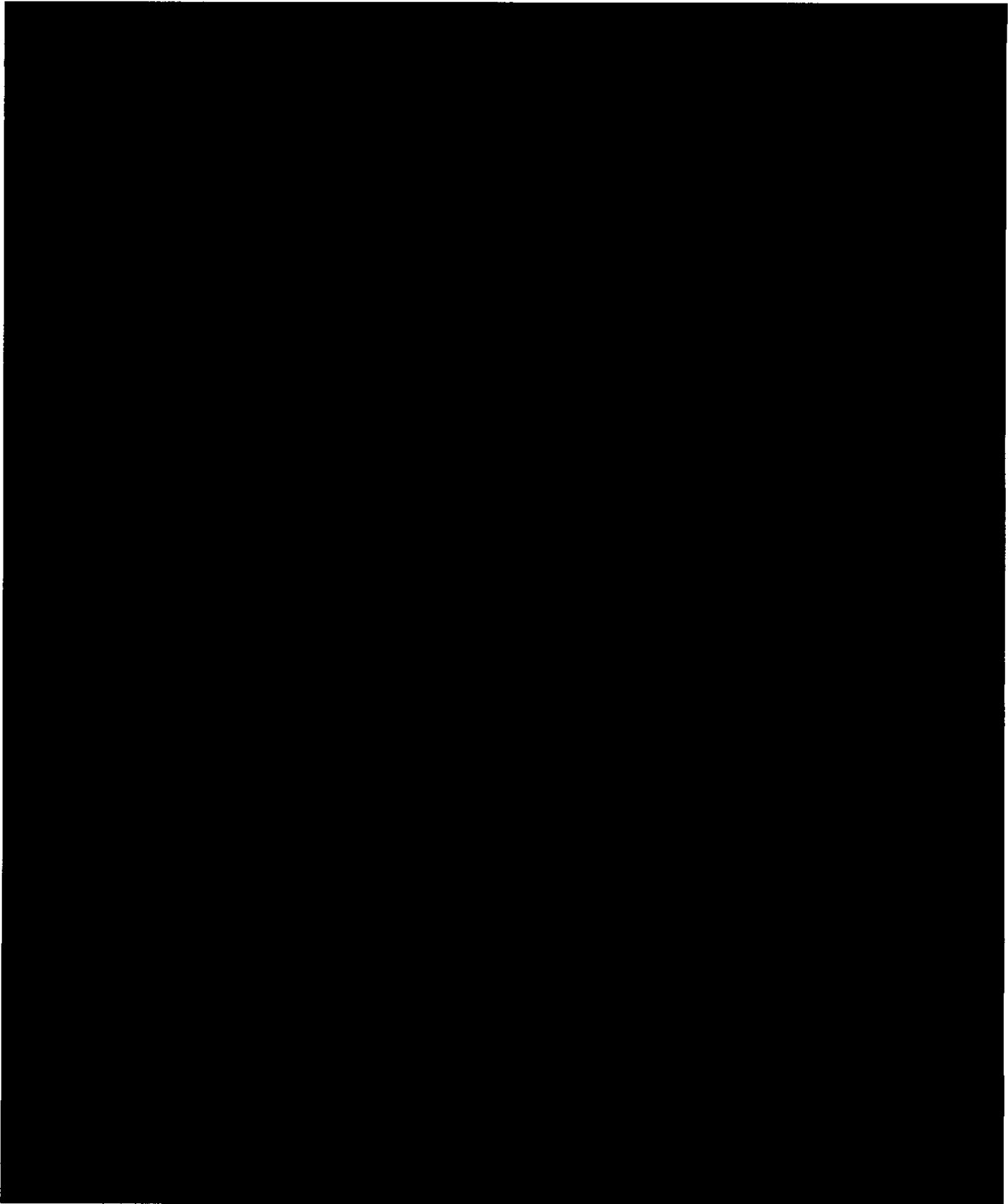












COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: December 10, 2008

TO: Ansley Watson, Mcfarlane 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 080318 or, if filed in an undocketed matter, concerning documents produced pursuant to Citizens' request for PODs, No. 59, and filed on behalf of Peoples Gas System. 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

11408 DEC 10 08

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