

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law
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July 22, 2009

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COMMISSION
CLERK

VIA HAND DELIVERY

Ms. Ann Cole, Commission Clerk
Office of Commission Clerk
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 090172-EI

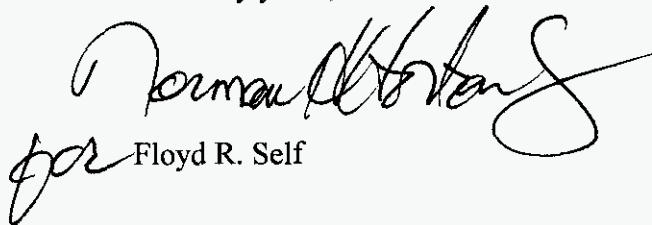
Dear Ms. Cole:

Enclosed for filing on behalf of Florida Gas Transmission Company, LLC is Florida Gas Transmission Company, LLC's Request for Confidential Classification of Discovery Responses in the above referenced docket.

Please indicate receipt of this document by stamping the enclosed extra copy of this letter.

Thank you for your assistance with this filing.

Sincerely yours,


for Floyd R. Self

FRS/amb
Enclosures

cc: Mr. Michael T. Langston
Parties of Record

- COM _____
- ECL _____
- GCL 1
- OPC _____
- RCP _____
- SSC _____
- SGA 13
- ADM _____
- CLK 1

DOCUMENT NUMBER - DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Florida)
EnergySecure Pipeline by Florida Power &) Docket No. 090172-EI
Light Company.)
_____)

**FLORIDA GAS TRANSMISSION COMPANY, LLC'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF DISCOVERY RESPONSES**

Florida Gas Transmission Company, LLC ("FGT"), 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 described below which were provided in response to Florida Power and Light Company's ("FPL") Fourth Set of Interrogatories, Item Nos. 46, 47, 48, and 51 and Fourth Request for Production of Documents, Item No. 15. In support of this Request for Confidential Classification, FGT states as follows:

1. On July 1, 2009, FGT provided Notice to the Commission that it intended to request *confidential classification* of its responses to FPL's Fourth Set of Interrogatories, Item Nos. 46, 47, 48 and 51, and Fourth Request for Production of Documents, Item No. 15. FGT attached to that request two copies of the redacted pages along with one copy of the confidential page as Exhibit "A."

2. The responses to these discovery requests concern settlement discussions between the parties and, as such, were intended to be and are confidential and proprietary. Pursuant to Section 366.093, Florida Statutes, these materials are "intended to be and [are] treated by the person or company as private in that the disclosure of the information would cause harm to . . . the . . . company's business operations, and has not been disclosed . . ." The disclosure of confidential

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settlement matters would have a chilling effect on the ability of parties to negotiate the resolution of important matters and be contrary to the public interest. The information contained in these discovery requests was not disclosed to any third parties.

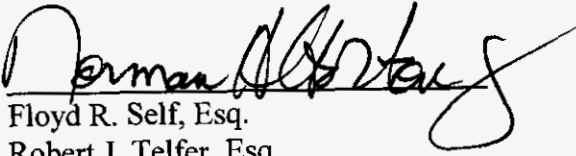
3. Section 366.093(3)(d) defines proprietary confidential business information to include “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.” Further, Section 366.093(3)(e) defines proprietary confidential business information to include “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” The information contained in these discovery requests thus fits the statutory definition of proprietary business information.

4. Since these responses contain proprietary and confidential information and thus should not be publicly disclosed, FGT requests that the Commission grant confidential treatment to these discovery responses.

5. Accompanying this request as Attachment “ are redacted copies of the identified documents. Under separate cover, FGT is providing a copy of the unedited documents with the confidential information highlighted pursuant to the requirements of the Commission.

6. FGT requests that the Commission grant this request for confidential treatment for the specified information and that the material be treated as confidential pursuant to section 366.093, Florida States, and Rule 25-22.006, Florida Administrative Code.

Respectfully submitted this 22nd day of July, 2009.


gr

Floyd R. Self, Esq.
Robert J. Telfer, Esq.
MESSER, CAPARELLO & SELF
2618 Centennial Place
Tallahassee, Florida 32308
Tel. 850-222-0720
Fax 850-558-0656

*Counsel for the Florida Gas Transmission Company,
LLC*

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
FGT's Response to FPL's Fourth Interrogatories, No. 46	N/A	N/A	1 - 7	Section 366.093(3)(d) & (e), Florida Statutes
FGT's Response to FPL's Fourth Interrogatories, No. 47	N/A	N/A	1 - 11	Section 366.093(3)(d) & (e), Florida Statutes
FGT's Response to FPL's Fourth Interrogatories, No. 48	N/A	N/A	1 - 8	Section 366.093(3)(d) & (e), Florida Statutes
FGT's Response to FPL's Fourth Interrogatories, No. 51	N/A	N/A	1 - 5	Section 366.093(3)(d) & (e), Florida Statutes
FGT's Response to FPL's Fourth Request for Production of Documents, No. 15	5	N/A	1 - 9	Section 366.093(3)(d) & (e), Florida Statutes

Question

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

Response

5 FGT incorporates objections 3, 5, 6, 8, 9, and 12. [REDACTED]
6 [REDACTED]
7 [REDACTED]

Responsible Person: Objections by counsel.

Question

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]

Response

- 9 FGT incorporates objections 3, 5, 6, 8, 9, and 12. [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]

Responsible Person: Objections by counsel.

Question

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

Response

6 FGT incorporates objections 3, 5, 6, 8, 9, and 12. [REDACTED]
7 [REDACTED]
8 [REDACTED]

Responsible Person: Objections by counsel.

Question

1 [REDACTED]
2 [REDACTED]

Response

3 FGT incorporates objections 3, 5, 6, 8, 9, and 12. [REDACTED]
4 [REDACTED]
5 [REDACTED]

Notwithstanding the foregoing objections,

FGT states:

Fuel will be retained pursuant to FGT's FERC Gas Tariff for the Market Area. FGT anticipates the fuel percentage will be at or below the historical fuel percentage. For the time period April 2007 to March 2009 FGT's Market Area fuel retention percentage averaged 3.39%.

Responsible Person: Objections by Counsel. Substantive Response by Jack Boatman, V.P. Marketing, Florida Gas Transmission Company, LLC, 5444 Westheimer Road, Houston, TX 77056.

DOCUMENTS REQUESTED

1
2
3
4
5
6

7
8
9

15. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Response: FGT incorporates objections 3, 5, 6, 8, 9, 11, and 12. [REDACTED]
[REDACTED]
[REDACTED]

16. Provide all documents that relate to the discounted cash flow analysis used to derive the rate proposed in the transportation service proposal that FGT submitted to FPL on September 2, 2008, referenced in FGT's response to FPL's Interrogatory No. 3. Please provide any spreadsheets reflecting the discounted cash flow analysis in an electronic format with formulas intact.

Response: FGT incorporates objections 3, 5, 6, 8, 9, 11, and 12. Notwithstanding the foregoing objections, FGT states:

FGT utilizes a proprietary program to obtain a transportation service rate based on an evaluation taking into account various assumptions and inputs for the project over an extended period. Since it is the practice to overwrite the electronic files utilized in the course of the preliminary economic valuation, detailed inputs used to model the referenced proposals are not available. However, the relevant information associated with these proposals, volume, transportation service rate and the estimated capital costs has previously been provided.

17. Provide all documents that relate to the discounted cash flow analysis used to derive the rate proposed in the transportation service proposal that FGT submitted to FPL on


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail and/or U. S. Mail this 22nd day of July, 2009 upon the following:

Martha Brown, Esq.
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

John T. Butler, Esq.
Mr. R. Wade Litchfield
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Gary V. Perko, Esq.
Brooke E. Lewis, Esq.
Hopping Green & Sams
P.O. Box 6526
Tallahassee, FL 32314

for 
Floyd R. Self

STATE OF FLORIDA

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



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: July 23, 2009

TO: Floyd Self, Messer 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 090172 or, if filed in an undocketed matter, concerning documents provided in response to FPL's 4th set of Interrogatories, Nos. 46, 47, 48 and 51, and filed on behalf of Florida Gas Transmission Company, Llc. 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
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Internet E-mail: contact@psc.state.fl.us