

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law
www.lawfla.com

RECEIVED FPSC

11 FEB 18 PM 4:18

COMMISSION
CLERK

February 18, 2011

BY 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

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

For DN 01137-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 090539-GU

Dear Ms. Cole:

Enclosed for filing on behalf of Florida City Gas is an original and seven copies of Florida City Gas' Request for Confidential Classification in the above referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

COM _____
APA _____
ECR 5
GCL 1
RAD _____
SSC _____
ADM _____
OPC _____
CLK 1

Sincerely yours,

Floyd R. Self

FRS/amb
Enclosure

cc: Shannon O. Pierce, Esq.
Parties of Record

DOCUMENT NUMBER - DATE
01136 FEB 18 =
FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of Special Gas)
Transportation Service agreement with Florida)
City Gas by Miami-Dade County through)
Miami-Dade Water and Sewer Department)
_____)

Docket No. 090539-GU

FLORIDA CITY GAS' REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida City Gas ("FCG" or "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 Response to FPSC Staff's Second Set of Interrogatories, Item Nos. 28a, 33, 34, and 35-37 and Second Request for Production of Documents, Item No. 11. Attached to this Request is an envelope marked "CONFIDENTIAL" containing one copy of the highlight confidential information being provided. Two public, redacted versions of the confidential information is also provided with 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 Section 119.07(1), Florida Statutes.

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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01136 FEB 18 =

FPSC-COMMISSION CLERK

administrative body, or private agreement that provides that the information will not be released to the public.” Section 366.093(3), Florida Statutes.

3. Proprietary confidential business information includes, but is not limited to, information concerning:

- (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 public utility or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

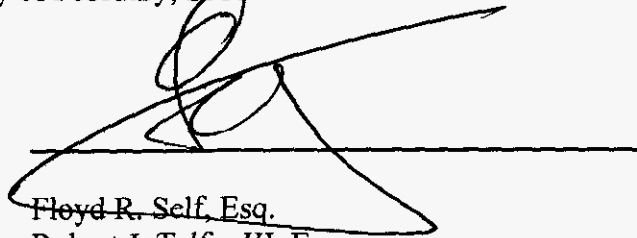
4. The confidential portions of the information being provided to the Commission fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

5. Attachment 1 to this Request consists of a chart, which specifically sets forth a line-by-line justification for maintaining specific information in FCG’s Response to Miami-Dade County’s First Request for Production of Documents, Item No. 2. 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 business operations

and private negotiations. The subject information is therefore proprietary confidential business information and is entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

6. 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 18th day of February, 2011.



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Atlanta, GA 30309
Tel. 404-584-3394

Counsel for Florida City Gas

EXHIBIT "A"

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
FCG'S Confidential Response to FPSC Staff's First Set of Interrogatories, Item No. 28a	1	A and B	10-21	These proprietary numbers contain customer-specific information, or information from which customer-specific information may be easily derived. Such customer-specific information is not released to the public and if disclosed, harms ratepayers' rights to privacy. These numbers also, if made public, would negatively impact the competitive interests of the company (and hence ratepayers) in the company's negotiations of other agreements.
FCG'S Confidential Response to FPSC Staff's First Set of Interrogatories, Item No. 33	1 - 5	A - C	12	These proprietary numbers contain customer-specific information, or information from which customer-specific information may be easily derived. Such customer-specific information is not released to the public and if disclosed, harms ratepayers' rights to privacy. These numbers also, if made public, would negatively impact the competitive interests of the company (and hence ratepayers) in the company's negotiations of other agreements.
FCG'S Confidential Response to FPSC Staff's First Set of Interrogatories, Item No. 34	1 - 4	A - AO	9-12, and 15	These proprietary numbers contain customer-specific information, or information from which customer-specific information may be easily derived. Such customer-specific information is not released to the public and if disclosed, harms ratepayers' rights to privacy. These

DOCUMENT NUMBER-DATE

01136 FEB 18 =

FPSC-COMMISSION CLERK

EXHIBIT "A"

				numbers also, if made public, would negatively impact the competitive interests of the company (and hence ratepayers) in the company's negotiations of other agreements.
FCG'S Confidential Response to FPSC Staff's First Set of Interrogatories, Item No. 35-37	1	N/A	3, 6, 7, 10, and 11	These proprietary numbers contain customer-specific information, or information from which customer-specific information may be easily derived. Such customer-specific information is not released to the public and if disclosed, harms ratepayers' rights to privacy. These numbers also, if made public, would negatively impact the competitive interests of the company (and hence ratepayers) in the company's negotiations of other agreements.
FCG'S Confidential Response to FPSC Staff's First Request for Production of Documents, Item No. 11	1	B - D	4, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 35, 36, 37, 45, 46, and 47	These proprietary numbers contain customer-specific information, or information from which customer-specific information may be easily derived. Such customer-specific information is not released to the public and if disclosed, harms ratepayers' rights to privacy. These numbers also, if made public, would negatively impact the competitive interests of the company (and hence ratepayers) in the company's negotiations of other agreements.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and/or U.S. Mail this 18th day of February, 2011.

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

Mr. Melvin Williams
Florida City Gas
933 East 25th Street
Hialeah, FL 33013

Shannon O. Pierce
AGL Resources, Inc.
Ten Peachtree Place, 15th Floor
Atlanta, GA 30309

Henry N. Gillman, Esq.
David Stephen Hope, Esq.
Miami-Dade County
111 NW First Street, Suite 2800
Miami, FL 33128-1993

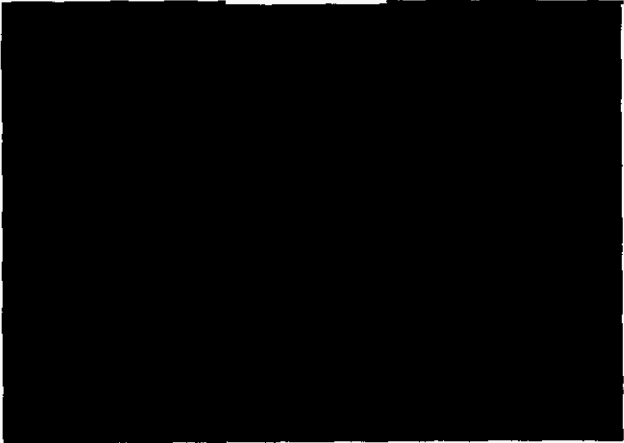


Floyd R. Self

1 28. Please refer to Carolyn Bermudez's direct testimony, page 16, which states that
2 the expenses to serve MDWASD have increased over time, especially for
3 personnel. Please provide the following information to capture all O&M expense
4 for MDWASD and the other GS-1250-k customers that was used in the
5 development of the customer cost allocation factor of .004842 used on Exhibit
6 CB-2:

7 a. Please identify all GS-1250K customers.

8 **Confidential Response:**

	<u>A</u>	<u>B</u>
	Customer Name	Account Number
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		

	A	B	C	T	U	V	W	X	Y	Z	AA
1											
2											
3											
4				May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09
5	Customers										
6		REVENUE	RATE								
7	<u>Commercial & Industrial Transportation</u>										
8	GS-1,250k	822,888	886,888	1	1	5	5	7	5	7	7
9											
10	GS-1,250k AFD (Alternative Fuel Discount Tariff)			6	6	6	2	0	2	0	0
11											
12				1	1	1	1	1	1	1	1
13											
14	Total Customers:			8	8	12	8	8	8	8	8

	A	B	C	AK	AL	AM
1						
2						
3						
4				Oct-10	Nov-10	Dec-10
5	Customers					
6		REVENUE	RATE			
7	Commercial & Industrial Transportation					
8	GS-1,250k	822,888	886,888	7	7	7
9						
10	GS-1,250k AFD (Alternative Fuel Discount Tariff)			-	-	-
11						
12				1	1	1
13						
14	Total Customers:			8	8	8

1 35. Which accounts were subsequently transitioned to an existing tariff rate?

2 **Confidential Response:**

3 [REDACTED]

4 36. What was the tariff rate to which they were transitioned?

5 **Confidential Response:**

6 [REDACTED]
7 [REDACTED]

8 37. On what date were such transitions made?

9 **Confidential Response:**

10 [REDACTED]
11 [REDACTED]

A		B	C	D
1	Florida City Gas - Special Contracts			
2				
3				
4				
5		Per Mar'09 Surveillance Report	Per Mar'09 Surveillance Report	Per Mar'09 Surveillance Report
6	Cost of Service and Rate Design			
7				
8	Description	Total	Total	Total
9				
10	O&M Expenses	\$73,743	\$80,729	\$80,729
11				
12	Depreciation	\$42,594	\$46,630	\$46,630
13				
14	Taxes Other Than Income	\$11,507	\$12,597	\$12,597
15				
16	Sate Tax @ 5.5%			
17				
18	Federal Tax @ 34.00%			
19				
20	Sub-total			
21				
22	Required Return on Investment ** (Rate base x ROR)			
23				
24	<i>Less: Customer Charge</i>			
25				
26	Total Incremental Cost of Service			
27				
28	Estimated Annual Volume (therms)			
29				
30	Incremental Cost Rate (Cost to Serve)			
31				
32	Tariff Rate Discount			
33				
34	Agreement Effective Date:			
35	Term (years):			
36	Expiration Date			
37	Customer qualifies for rate schedule:			
38				
39	<u>Tariff:</u>			
40	Customer Charge	\$300.00	\$500.00	\$500.00
41	Energy Charge	\$0.17191	\$0.12225	\$0.12225
42	Demand Charge	\$0.28900	\$0.28900	\$0.28900
43				
44	<u>Contract Rate:</u>			
45	Customer Charge			
46	Energy Charge			
47	Demand Charge			
48				
49				
50	== Miami Dade Water Contract not included - Negotiation in progress ==			

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

Floyd R. Self
P.O. Box 15579
Tallahassee FL 32317

Re: Acknowledgement of Confidential Filing in Docket No. 090539-GU

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on February 18, 2011, in the above-referenced docket.

Document Number 01137-11 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.