



MESSER CAPARELLO & SELF, P.A.

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COMMISSION
CLERK

February 23, 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 01210-11, 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.

Sincerely yours,

Floyd R. Self

COM FRS/amb
Enclosure
APA cc: Shannon O. Pierce, Esq.
ECR 6 Parties of Record
GCL 1
RAD
SSC
ADM
OPC
CLK 1

DOCUMENT NUMBER-DATE
01209 FEB 23 =
FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of Special Gas)
Transportation Service agreement with Florida) Docket No. 090539-GU
City Gas by Miami-Dade County through) Filed: February 23, 2011
Miami-Dade Water and Sewer Department)
_____)

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 Miami-Dade County Water and Sewer Department's Second Request for Production of Documents, Item No. 19. 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

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. Exhibit “A” 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 Second Request for Production of Documents, Item No. 19 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 2522.006, 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 23rd day of February, 2011.



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Counsel for Florida City Gas

EXHIBIT "A"

Document	No. of Pages	Column/Lines	Justification
<p>Florida City Gas Company's Responses to MDWASD's Second Request for Production of Documents, Item No. 19</p>	<p align="center">21</p>	<p align="center">All pages</p>	<p>This document is a Master Service Agreement between FCG's parent company AGL Resources and its outside regulatory consultants. Pursuant to Section 366.093(3)(d), this contract constitutes "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." This contractual information is not released to the public and if disclosed, such disclosure would impact the competitive interests of the company (and ultimately its ratepayers) in the company's negotiations of other such agreements. Moreover, as a Master Service Agreement, this contract serves all of the various AGL Resources companies in each of the various states in which it operates, including FCG in Florida, and as such, public disclosure would impact the company's regulated and non-regulated business operations in multiple states including Florida.</p>

**FLORIDA CITY GAS' RESPONSE TO
MIAMI-DADE COUNTY WATER AND SEWER
DEPARTMENT'S SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS, ITEM NO. 19
IS ENTIRELY CONFIDENTIAL**

**FLORIDA CITY GAS' RESPONSE TO
MIAMI-DADE COUNTY WATER AND SEWER
DEPARTMENT'S SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS, ITEM NO. 19
IS ENTIRELY CONFIDENTIAL**

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 23rd day of February, 2011.

Anna Williams, Esq.
Martha Brown, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
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Floyd R. Self

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
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 23, 2011, in the above-referenced docket.

Document Number 01210-11 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.