



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

DATE: April 20, 2011
TO: Division of Economic Regulation, Officer of Primary Responsibility
FROM: Office of Commission Clerk
RE: CONFIDENTIALITY OF CERTAIN INFORMATION
Docket No(s): 090539-GU - Document No(s): 01559-11

Description: FCG (Self) - (CONFIDENTIAL) Certain material contained in response to Miami-Dade County's First Request for Production of Documents, Item No. 2.

Source: Florida City Gas

RECEIVED-FPSC
11 APR 20 PM 2:33
COMMISSION CLERK

The above-referenced confidential material was filed along with a request for confidential classification. Please check all applicable information and forward a copy to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation. Copies of your recommendation should also be filed with the Office of Commission Clerk and the Office of General Counsel.

- X The document(s) is (are), in fact, what the utility asserts it (them) to be.
X The utility has provided enough details to perform a reasoned analysis of its request.
X The material has been received incident to an inquiry.
The material is confidential business information because it includes:
(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 information;
(f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;

- COM
APA The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
ECR
GCL X\* The material appears not to be confidential in nature.
RAD The material is a periodic or recurring filing and each filing contains confidential information.
SSC
ADM Response prepared by /s/ William B. McNulty Date: April 20, 2011
OPC \* See memorandum providing details why the materials appear not to be confidential in nature.

CLK Carter

DOCUMENT NUMBER-DATE

02712 APR 20 =

FPSC-COMMISSION CLERK



## Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** April 20, 2011  
**TO:** Anna R. Williams, Senior Attorney, Office of the General Counsel  
**FROM:** William B. McNulty, Economic Analyst, Division of Economic Regulation  
**RE:** Florida City Gas' Request for Confidential Classification (Document No. 01559-11)

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On March 9, 2011, Florida City Gas (FCG, or the Company) amended its September 10, 2010 request for confidential classification of highlighted information in certain portions of its response to Miami-Dade County's First Request for Production of Documents, Item No. 2 provided in Docket No. 090539-GU (Petition for approval of Special Contract Transportation Service Agreement with Florida City Gas by Miami-Dade County through Miami-Dade Water and Sewer Department). FCG filed this amended request pursuant to Section 366.093 of the Florida Statutes, and Rule 25-22.006, Florida Administrative Code. FCG has amended its request upon examining the documents which it originally sought confidential classification (Document No. 07621-10) at staff's behest and upon agreeing that certain portions of the documents for which confidential classification was sought are already in the public record. FCG has withdrawn its original request and substitutes its amended request.

Florida City Gas justifies its amended request for confidentiality based on the proprietary numbers containing either customer-information or information from which customer specific information may be easily derived. According to FCG, such customer-specific information is not released to the public and if disclosed, harms ratepayers' right to privacy. The Company further states that 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.

Florida City Gas's amended request for confidential classification includes the following: FCG's response to Miami Dade County's First Request for Production of Documents, Item No. 2, Page 3, Lines 16-17; Page 11, Lines 11-12; Page 19, Lines 16-17; and Page 28, Lines 20-21. The information for which confidential classification is requested includes rate, revenue, and cost information.

Staff has reviewed Florida City Gas's confidentiality request. In staff's opinion, the request does not meet the criteria for confidentiality contained in Section 366.093, Florida Statutes. All of the requested information is either already public or can easily be deduced from information that is already public. The information appearing on Page 3, Lines 16-17 and Page 11, Lines 11-12, and Page 19, Lines 16-17 of FCG's response is available publicly in FCG's amended request for confidential classification (see Document No. 01558-11, second attachment,

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Page 11 of 40, Lines 15-18). The information appearing on Page 28, Lines 20-21, of FCG's response can be determined by adding the unredacted subtotal cost amounts for Alexander Orr and Hialeah plants in witness Bermudez's Direct Testimony (see Exhibit CB-2, Page 1 of 1, Lines 20 and 48, Column D). For this reason, Staff recommends that FCG's amended request for confidentiality be denied.

WBM/wbm