

Writer's Direct Dial Number: (850) 521-1706
Writer's E-Mail Address: bkeating@gunster.com

January 8, 2018

HAND DELIVERY

Ms. Carlotta Stauffer, Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

REDACTED

RECEIVED-FPSC
2018 JAN -8 PM 4:15
COMMISSION
CLERK

Re: DOCKET NO. 20170179-GU - Petition for rate increase and approval of depreciation study by Florida City Gas.

Dear Ms. Stauffer:

Attached, please find the original and 7 copies of Florida City Gas's Request for Confidential Classification of certain information in its Responses to Citizens' Sixth Set of Interrogatories (Nos. 55-61) and Sixth Requests for Production of Documents ("PODs") (Nos. 104-129) to the Company. The referenced confidential documents responsive to PODs 105, 108, 109, 118, and 120 are provided on the included DVD marked "Confidential". One highlighted, and two redacted copies of the confidential portions of FCG's response to Interrogatory No. 157a are provided in hard copy.

As always, please don't hesitate to let me know if you have any questions. Thank you for your assistance with this filing.

Kind regards,



Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

cc:/ (Office of Public Counsel)

COM _____
AFD 2
APA _____
ECO 3
ENG 2
GCL _____
IDM _____
CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida City
Gas.

DOCKET NO. 20170179-GU

DATED: January 8, 2018

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR PROTECTIVE ORDER**

FLORIDA CITY GAS (FCG or the Company), by and through undersigned counsel pursuant to rule 25-22.006, Fla. Admin. Code, requests that the Florida Public Service Commission (the Commission) enter an order protecting from public disclosure certain portions of FCG's responses to Citizens' Sixth Requests for Production of Document, and certain information in the Company's response to Citizens' Sixth Set of Interrogatories (No. 157a). In support of this request, the Company states:

1. On October 23, 2017, FCG filed its Petition for Rate Increase, and *inter alia* the prefiled direct testimony and supporting exhibits of its witnesses and Minimum Filing Requirements.
2. On December 13, 2017, the Citizens of the State of Florida, through the Office of Public Counsel (OPC), served FCG with its Sixth Set of Interrogatories (Nos. 155-161) and Sixth Requests for Production of Documents (PODs) (Nos. 104-129). On December 18, 2017, OPC served its Amended Sixth Requests for Production. Numerous documents responsive to the sixth set of requested document productions, namely Production Requests 105, 108, 109, 118, and 120, as well as competitively sensitive information provided in response to Interrogatory 157a, contain material and information that FCG and its affiliates treat as highly confidential, which has not otherwise been publicly

disclosed. Given the nature of the documents provided, the Company considers entire documents to be confidential, the disclosure of which would cause harm to FCG and its customers.

3. The information for which FCG seeks confidential classification is information that meets the definition of “proprietary confidential business information” as set forth in Section 366.093(3), Florida Statutes, which provides:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person’s or 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. Proprietary confidential business information includes, but is not limited to:

(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. Specifically, FCG seeks confidential classification of information and documents that fall into the following categories: (1) Market Analysis and Competitively sensitive information of Shippers/Marketers on FCG’s system; (2) Competitively sensitive, customer-specific consumption information; and (3) highly proprietary market and project information pertaining to CNG.

5. With regard to the attachments provided in response to POD 105, these documents contain detailed information regarding marketer-specific market share information, which

the respective marketers, as well as the Company, consider to be proprietary confidential business information that is strictly protected. This information should be classified as proprietary confidential business information because its disclosure would impair the individual marketers' competitive interests by providing information that would provide other companies with an unfair advantage in efforts to "cherry pick" high-volume customers, which could ultimately drive up rates for the marketers' customers, who are also transportation customers on FCG's ratepayers. Because redaction of the confidential information would, for all intents, result in blank pages, the Company is requesting that these files be granted confidential classification in their entirety.

6. With regard to the documents provided in response to PODs 108, 109, 118, and the highlighted portion of FCG's response to Interrogatory 157a, these documents contain customer-specific account information regarding volumes and competitive options. Disclosure of this information publicly would not only harm FCG's business relationship with these customers, but would enable competitive energy suppliers to pursue these customers. Were such customers to leave FCG's system, the impact would be detrimental to both the company and its ratepayers, as loss of these customers reduces the Company's ability to spread costs over a broader customer base. Such information should be deemed "proprietary confidential business information," consistent with Section 366.093 (d and e), F.S., in that public disclosure would reveal competitively-sensitive financial and strategic information of FCG, as well as customer-specific information that would enable other suppliers an unfair advantage in competing for customers. Because redaction of the confidential information would, for all intents, result in blank pages, the Company is requesting that the files provided in response to PODs 108, 109, and 118 be granted confidential classification in their entirety. As for Interrogatory 157a, FCG asks that all lines

in all columns identified as “Company Name,” “Proposed Usage” and “Year Requested” on page 9 of FCG’s Interrogatory Responses be granted confidential classification.

7. With regard in particular to the documents produced in response to POD 120, these documents contain highly confidential information about business options and contractual terms, that FCG and its contract partners consider proprietary confidential business information, including specific contractual terms with Miami-Dade. These documents also include analyses of potential CNG market opportunities, which FCG considers highly proprietary confidential business information. The information in these documents meets the definitions of “proprietary confidential business information” as set forth in Section 366.093(3)(d and e), F.S., in that disclosure of this information would reveal contractual rates and terms, as well as competitively sensitive market information, the disclosure of which would impair FCG’s ability to compete for goods and services, impair its contractual obligations, and give its competitors an unfair advantage in the market, all of which would ultimately have adverse impacts for the Company and its ratepayers. As with the documents referenced above, redaction of these documents would, for all purposes, render the documents blank pages. As such, FCG is respectfully requesting that the documents be granted confidential classification in their entirety.
8. Release of any of this information would ultimately impair the Company’s ability to provide services and its ratepayers.
9. Submitted herewith, in substantial compliance with Rule 25-22.006, Florida Administrative Code, is a DVD containing the confidential POD files clearly identified as confidential. Given the electronic nature of the documents, highlighting is, in most instances, not feasible, nor is redaction, which would simply result in a blank file. Given

the volume of the documentation and the fact that the documents would be redacted/highlighted in their entirety, accomplishing the redactions/highlighting for these documents manually would be unduly burdensome. Also included with this filing is one highlighted and two redacted copies of FCG's response to Interrogatory No. 157a.

10. FCG further requests that the Commission issue a protective order, in accordance with Rule 25-22.006(6), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel, which is a party to this proceeding.

WHEREFORE, FCG respectfully requests that:

1. The Commission enter an order protecting the information in the following files, in its entirety, from public disclosure as proprietary confidential business information:
 - a. The POD files identified in for PODs 105, 108, 109, 118, and 120 (Bates , respectively); and
 - b. The highlighted information in FCG's response to Interrogatory No. 157a from OPC; and
2. The Commission issue a protective order, in accordance with Rule 25-22.006(6), Florida Administrative Code, to protect this information when provided to the Office of Public Counsel; and
3. The Commission grant confidential classification for this information for a period of at

Docket No. 20170179-GU
Florida City Gas

least 18 months.

Respectfully submitted this 8th day of January, 2018, by:



Beth Keating, Esquire
Florida Bar No. 0022756
Gunster Law Firm
215 South Monroe Street
Suite 601
Tallahassee, FL 32301
Attorneys for Florida City Gas

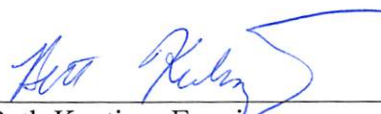
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing filing has been served by Hand Delivery and/or Electronic mail (redacted only) this 8th day of January, 2018, upon the following:

Walter Trierweiler
Florida Public Service Commission
General Counsel's Office
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Virginia Ponder
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Rm 812
Tallahassee, FL 32399-1400

A.J. Unsicker/L.L. Zieman/N.A. Cepak/R.K. Moore¹
c/o AFLOA/JACE-ULFSC
139 Barnes Drive, Suite 1
Tyndall AFB FL 32403
(850) 283-6347
andrew.unsicker@us.af.mil
ULFSC.Tyndall@US.AF.MIL
lanny.zieman.1@us.af.mil
natalie.cepak.2@us.af.mil
ryan.moore.5@us.af.mil
Andrew.Jernigan.3@us.af.mil
ebony.payton.ctr@us.af.mil



Beth Keating, Esquire
Florida Bar No. 0022756
Gunster Law Firm
215 South Monroe Street
Suite 601
Tallahassee, FL 32301
Attorneys for Florida City Gas

¹ Redacted only

157. For the purposes of this interrogatory, please refer to the Direct Testimony of Daniel J. Nikolich, page 30 27, lines 517 through 46 24, where he states:

FCG has been approached several times over the past several years by potential customers interested in obtaining service from FCG that would be considered of sufficient size to fall under these proposed tariffs. Currently, the pricing and design of the GS-1250K rate has not proven adequate or competitive enough for these prospective customers. Thus, the only way the Company could put together proposals that might attract these customers is through special contracts that would fall under the KDS tariff.

a. Please provide a detailed narrative of the number of times over the “past several years” the Company has been approached by potential customers that fall under a size that would be served under these proposed tariffs. In the Company’s response please provide details regarding the potential customers name, annual estimated usage, type of business/industry, and the date the potential customer initially had inquired the Company regarding potential service.

FCG Response: The company records do not provide specific details about why potential customers decide not to connect service. However, we are aware of at least six potential customers requesting non-tariff rates to establish service in recent years.

Company Name Proposed Usage Year Requested (redacted)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

157. For the purposes of this interrogatory, please refer to the Direct Testimony of Daniel J. Nikolich, page ~~30~~ 27, lines ~~51~~ 17 through ~~16~~ 24, where he states:

FCG has been approached several times over the past several years by potential customers interested in obtaining service from FCG that would be considered of sufficient size to fall under these proposed tariffs. Currently, the pricing and design of the GS-1250K rate has not proven adequate or competitive enough for these prospective customers. Thus, the only way the Company could put together proposals that might attract these customers is through special contracts that would fall under the KDS tariff.

a. Please provide a detailed narrative of the number of times over the “past several years” the Company has been approached by potential customers that fall under a size that would be served under these proposed tariffs. In the Company’s response please provide details regarding the potential customers name, annual estimated usage, type of business/industry, and the date the potential customer initially had inquired the Company regarding potential service.

FCG Response: The company records do not provide specific details about why potential customers decide not to connect service. However, we are aware of at least six potential customers requesting non-tariff rates to establish service in recent years.

Company Name Proposed Usage Year Requested (redacted)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]