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COMMISSION
CLERK

February 16, 2018

Hand Delivery

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

REDACTED

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

Dear Ms. Stauffer:

Enclosed for filing, please find the original and seven (7) copies of Florida City Gas's Request for Confidential Classification and Motion for Protective Order for certain information provided in the rebuttal exhibits of FCG Witnesses Becker and Nikolich, and in the Rebuttal Testimony of Witness Wassell, redacted copies of which are being filed under separate cover today. Also included with this filing are one highlighted and two redacted copies of the referenced material with the exception of Greg Becker's Exhibit GB-10, which is confidential in its entirety and provided only on DVD.

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:/ (Service List)

- COM _____
- AFD _____
- APA _____
- ECO 7+ redacted
- ENG _____
- GCL _____
- IDM _____
- CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20170179-GU

DATED: February 16, 2018

REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR PROTECTIVE ORDER

Florida City Gas (FCG or the Company), pursuant to Rule 25-22.006, Fla. Admin. Code, requests that the Florida Public Service Commission (the Commission) enter an order protecting granting confidential classification and a protective order to protect from public disclosure certain portions of the rebuttal testimony and exhibits filed by FCG Witnesses Nikolich, Wassell, and Becker and in support thereof states:

I. Background

1. On October 23, 2017, Florida City Gas (FCG or the Company), pursuant to Rule 25-22.006, Fla. Admin. Code, submitted a Request for Confidential Classification to the Florida Public Service Commission (the Commission) seeking entry of an order protecting from public disclosure certain portions of Exhibit DJN-14 to the Direct Testimony of Daniel J. Nikolich (cross-reference Commission document no. 09065-2017).

2. On October 26, 2017, by Supplemental Request, the Company asked that, in ruling upon the Company's October 23, 2017, Request for Confidential Classification, the Commission also grant a Temporary Protective Order, in accordance with Rule 25-22.006(6), Florida Admin. Code, to protect this same information to be provided to the Office of Public Counsel.

3. Thereafter, by Amended and Supplemental Request filed January 11, 2018, FCG supplemented its previous request to make it clear that, to the extent that information in DJN-14

should be granted confidential classification, MFR Schedule H-1, which is identical to Witness Nikolich's Exhibit DJN-14, should also be granted confidential classification.

4. In addition, on February 13, 2018, the Company filed a Request for Confidential Classification and Motion for Protective Order regarding its responses to OPC's 9th Set of Interrogatories (Nos. 182-184) and 10th Requests for Production of Documents ("POD") (Nos. 147-149). Of relevance here, the Company sought confidential classification of the document provided as an attachment to Interrogatory No. 184, because the information contained therein is competitively sensitive information regarding third party suppliers/marketers on FCG's system and capacity identified for them on a given day.

5. On November 28, 2017, the Company also filed a request for confidential classification regarding its responses to certain discovery requests from OPC. As it related to the document provided in response to OPC POD 29, the Company noted that the document contains highly confidential information about business options, including reference to an option that is the subject of a non-disclosure agreement. As with the documents referenced in paragraph 5 above, redaction of these documents would, for all purposes, render the documents blank pages. As such, FCG asked that the document be granted confidential classification in its entirety.

II. Request

6. On February 16, 2018, FCG filed Rebuttal Testimony, consistent with the Order Establishing Procedure in this Docket. Included among the testimonies filed are the testimonies and Exhibits of Gregory Becker, Dan Nikolich, and Steve Wassell. The testimony of Witness Wassell contains confidential information, while Exhibit DJN-17 for Witness Nikolich and Exhibit GB-10 for Witness Becker also contain confidential information.

7. Each of these documents contain confidential information that is either identical to information, both in subject and format, to information for which one of the identified previous requests was made, or is topically related to information for which a previous request was made, and thus, deemed by the Company to be proprietary confidential business information for the same reason as set forth in a prior request.

8. Specifically, Witness Nikolich's Exhibit DJN-17 (the Nikolich Exhibit) should be granted confidential classification because it contains the same information. The Company incorporates and adopts in full its rationale and requests as set forth in the October 23, October 26, 2017, and January 11, 2018, requests. Exhibit DJN-17 is identical in format to MFR Schedule H-1 and Exhibit DJN-14, and the information for which confidential classification is sought is identical to the information provided in the prior documents. The confidential information contained in the Nikolich Exhibit includes the rates of natural gas charged to a contractual customer of FCG.

9. Witness Wassell's rebuttal testimony contains information regarding a contemplated business option considered by FCG as it relates to the LNG project. Specifically, the highlighted information on page 2, lines 8-21, is information that is consistent with, and expounds upon, information provided in response to OPC's Production of Documents request No. 29, for which the Company previously requested confidential classification. The subject and circumstances of the option considered are considered highly confidential by FCG and the other party involved, and are in fact the subject of a Non-Disclosure Agreement (NDA) covering all aspects of the potential commercial transaction, including the existence of such discussions. Under the terms of NDA, FCG must seek confidential treatment of any matter covered by the NDA.

10. With regard to Gregory Becker's exhibit GB-10, this information was previously provided as an attachment to FCG's Response to OPC Interrogatory No. 184. The information contained therein is competitively sensitive information regarding third party suppliers/marketers on FCG's system and capacity identified for them on a given day.

11. FCG adopts and incorporates its analysis and rationale from the prior requests for confidential classification as it relates to the materials identified herein and asks that the Commission also grant confidential classification to the materials as resubmitted in these documents. 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.

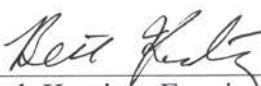
To the best of FCG's knowledge and belief, this information has not otherwise been publicly disclosed.

12. Submitted herewith is a copy of page 2 of Witness Wassell's rebuttal testimony, highlighted, consistent with Commission practice, to reflect the information for which confidential classification is requested, as well as two redacted copies. Likewise, a highlighted and two redacted copies of Exhibit DJN-17 are provided herewith. Because Exhibit GB-10 is confidential in its entirety, as well as voluminous, FCG is submitting in substantial compliance herewith the file on a DVD marked confidential.

WHEREFORE, FCG respectfully requests that:

1. The Commission enter an order granting confidential classification of the highlighted information in Exhibit DJN-17, Exhibit GB-10, and the Rebuttal Testimony of Witness Steve Wassell be granted confidential classification consistent ;
2. The Commission enter an Order protecting the information highlighted in each document from public disclosure as proprietary confidential information;
3. 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
4. The Commission grant confidential classification for this information for a period of at least 18 months.

Respectfully submitted this 16th day of February, 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, or Electronic Mail (w/o confidential attachments), this 16th day of February, 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

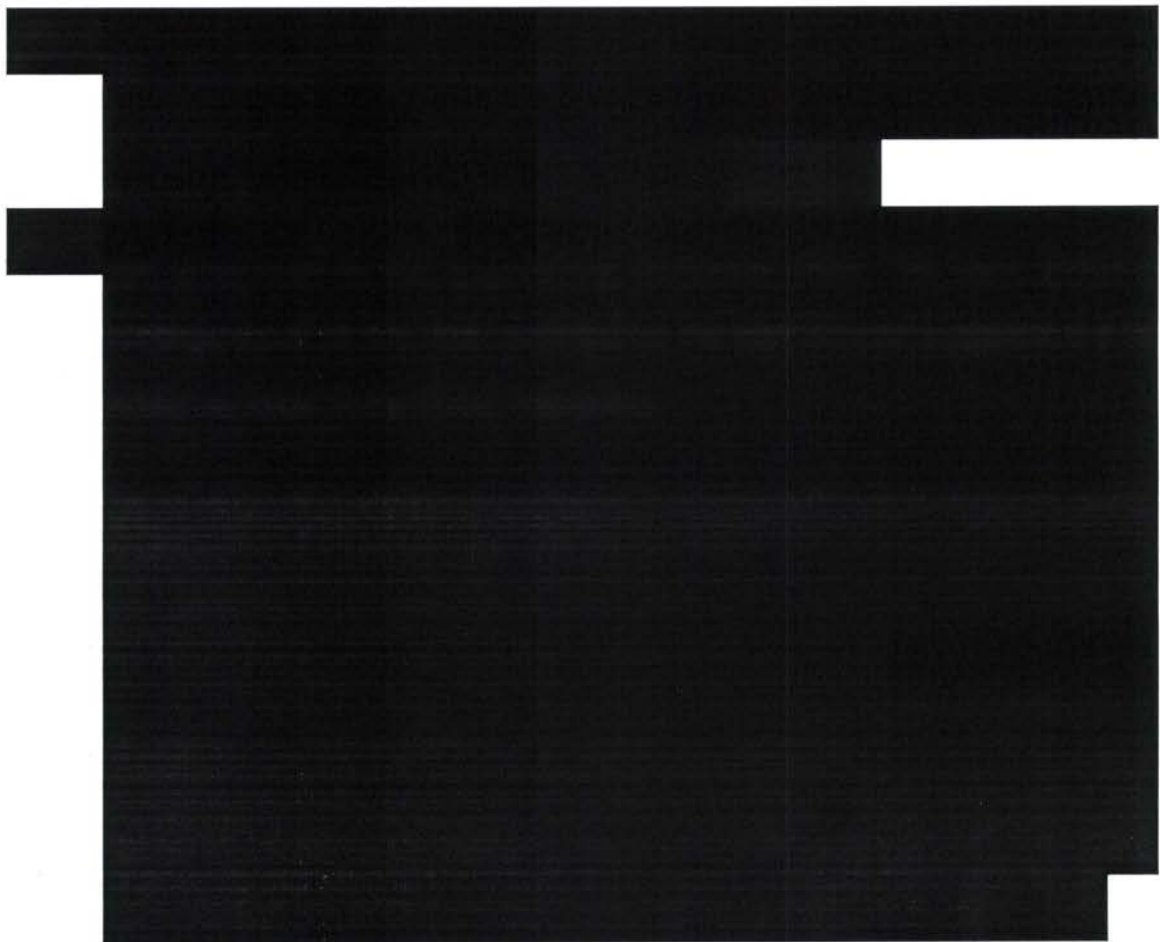
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By: _____


Beth Keating
Lila A. Jaber
Greg Munson
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1 A. No. As stated in the response to POD 7-136, the project does include
2 contingency. It is included as part of the numbers in my estimate on page
3 9 of my Direct Testimony. The most recent estimate is \$47.3 million which
4 was developed by our engineering contractor, HDR. We have added a
5 contingency of 22.6%. With contingency the total amount budgeted is \$ 58
6 million as listed in the Direct Testimony.

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² Direct Testimony of David Dismukes, 49:1-9.

FLORIDA PUBLIC SERVICE COMMISSION

EXPLANATION: FULLY ALLOCATED EMBEDDED COST OF SERVICE STUDY

TYPE OF DATA SHOWN: PROJECTED TEST YEAR: 12/31/2018

COMPANY: PIVOTAL UTILITY HOLDINGS, INC
D/B/A FLORIDA CITY GAS

CALCULATION OF PROPOSED RATES
SCHEDULE A

WITNESS: D. NIKOLICH

	SALES & TRANSPORTATION SERVICES:										GAS LIGHTING	NATURAL GAS VEHICLES	CONTRACT DEMAND	THIRD PARTY SUPPLIER	TOTAL SALES & TRANSPORTATION
	RS-1	RS-100	RS-600	GS-1	GS-6k	GS-25k	GS-120k	GS-1250k	GS-11M	GS-25M					
PROPOSED TOTAL TARGET REVENUES	\$ 16,127,161	\$ 34,590,191	\$ 618,956	\$ 3,925,955	\$ 2,574,522	\$ 864,393	\$ 2,658,480	\$ 4,341,324			\$ 15,909	\$ -	\$ 173,618	\$ 265,891	\$ 66,154,379
LESS: OTHER OPERATING REVENUE	\$ 917,943	\$ 1,866,717	\$ 29,934	\$ 185,838	\$ 108,186	\$ 29,794	\$ 11,074	\$ 12,223			\$ 348	\$ -	\$ 2,020	\$ -	\$ 3,164,078
Less: Proposed Customer Charge Revenues															
Proposed Customer charges: SALES & TRANSPORTATION	\$ 12.00	\$ 15.00	\$ 20.00	\$ 25.00	\$ 35.00	\$ 150.00	\$ 300.00	\$ 500.00	\$ 1,000.00	\$ 2,000.00	\$ -	\$ 25.00	\$ 500.00	\$ 400.00	
TIMES: NUMBER OF BILLS: SALES & TRANSPORTATION	406,366	797,671	11,632	59,911	28,538	4,678	1,212	84	0	0	3,936	0	12	132	1,314,172
EQUALS: CUSTOMER CHARGE REVENUES	\$ 4,876,392	\$ 11,965,065	\$ 232,640	\$ 1,497,775	\$ 998,830	\$ 701,700	\$ 363,600	\$ 42,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 6,000	\$ 52,800	\$ 20,736,802
Less: Proposed Demand Charge Revenues															
Proposed demand charges: SALES & TRANSPORTATION	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 5.75	\$ 5.75	\$ 5.75	\$ 5.75	\$ 0	\$ 0	\$ 0	\$ 6.05	
TIMES: DCQ: SALES & TRANSPORTATION	-	-	-	-	-	-	206,816	238,651	-	-	-	-	-	33,807	479,275
EQUALS: DEMAND CHARGE REVENUES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,189,194	\$ 1,372,244	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 204,422	\$ 2,765,860
EQUALS: PER-THERM TARGET REVENUES	\$ 10,332,826	\$ 20,758,409	\$ 356,382	\$ 2,242,342	\$ 1,467,506	\$ 132,899	\$ 1,094,612	\$ 2,914,857	\$ -	\$ -	\$ 15,561	\$ -	\$ 165,598	\$ 8,669	\$ 39,487,639
DIVIDED BY: NUMBER OF THERMS	2,886,825	12,240,769	767,899	12,382,178	28,127,107	17,386,101	34,439,382	15,613,100	-	-	38,033	-	5,492,320	-	129,373,714
EQUALS: PER-THERM RATES (Unrounded)	\$ 3.579305	\$ 1.695842	\$ 0.464099	\$ 0.181094	\$ 0.052174	\$ 0.007644	\$ 0.031784	\$ 0.186693	\$ 0.080000	\$ 0.040000	\$ 0.409149	\$ 0.181094		\$ -	
PER-THERM RATES (Rounded)	\$ 3.57930	\$ 1.69584	\$ 0.46410	\$ 0.18109	\$ 0.05217	\$ 0.00764	\$ 0.03178	\$ 0.18669	\$ 0.08000	\$ 0.04000	\$ 0.40915	\$ 0.18109		\$ -	
PER-THERM-RATE REVENUES (Rounded Rates)	\$ 10,332,812	\$ 20,758,385	\$ 356,382	\$ 2,242,289	\$ 1,467,391	\$ 132,830	\$ 1,094,484	\$ 2,914,810	\$ -	\$ -	\$ 15,561	\$ -	\$ 165,593	\$ -	\$ 39,480,536

SUMMARY: PROPOSED TARIFF RATES

CUSTOMER CHARGES	\$ 12.00	\$ 15.00	\$ 20.00	\$ 25.00	\$ 35.00	\$ 150.00	\$ 300.00	\$ 500.00	\$ 1,000.00	\$ 2,000.00	\$ -	\$ 25.00		\$ 400.00
DEMAND CHARGES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5.75	\$ 5.75	\$ 5.75	\$ 5.75	\$ -	\$ -		\$ 6.05
ENERGY CHARGES														
NON-GAS (CENTS PER THERM)	357.9305	169.5842	46.4099	18.1094	5.2174	0.7644	3.1784	18.6693	8.0000	4.0000	40.0000	18.1094		-
PURCHASED GAS ADJUSTMENT	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000		-
TOTAL (INCLUDING PGA)	411.9305	223.5842	100.4099	72.1094	59.2174	54.7644	57.1784	72.6693	62.0000	58.0000	94.0000	72.1094		-

SUMMARY: PRESENT TARIFF RATES

CUSTOMER CHARGES														
RESIDENTIAL	\$ 8.00	\$ 9.86	\$ 12.50											
COMMERCIAL AND INDUSTRIAL SALES				\$ 14.07	\$ 30.00	\$ 93.21	\$ 267.33	\$ 500.00			\$ 15.00			
DEMAND CHARGES NON-GAS (CENTS PER THERM)														
RESIDENTIAL														
COMMERCIAL AND INDUSTRIAL							28.9000	28.9000						
ENERGY CHARGES NON-GAS (CENTS PER THERM)														
RESIDENTIAL	56.2130	51.3242	39.8577								56.2130			
COMMERCIAL AND INDUSTRIAL				33.4308	27.4870	27.5660	21.4152	12.2250				23.2320		
PURCHASED GAS ADJUSTMENT	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000	54.0000		54.0000
TOTAL (INCLUDING PGA)														
RESIDENTIAL	110.2130	105.3242	93.8577								110.2130			
COMMERCIAL AND INDUSTRIAL				87.4308	81.4870	81.5660	75.4152	66.2250	54.0000	54.0000		77.2320		56.3000

SUMMARY: OTHER OPERATING REVENUE

	PRESENT	REVENUE	PROPOSED	REVENUE
CONNECTION CHARGE	\$50.00-\$110.00	\$695,821	\$50.00-\$200.00	\$ 1,121,632
COLLECTION IN LIEU OF DISCONNECT CHARGE	\$20.00	\$263,406	\$25.00-\$32.00	\$331,467
RECONNECT CHARGE	\$37.00-\$80.00	\$139,591	\$40.00-\$100.00	\$150,523
BAD CHECKS	\$25.00	\$37,766	\$25.00	\$37,775
LATE PAYMENT CHARGES	\$5.00 OR 1.5%	\$1,107,835	\$5.00 OR 1.5%	\$1,107,835
DAMAGE BILLING		\$192,297		\$192,297
CHANGE OF ACCOUNT				
METER READ			\$15.00-\$22.00	\$100,766
TEMPORARY DISCONNECT			\$35.00-\$45.00	\$103,562
FAILED TRIP			\$20.00	\$18,220
TOTAL		\$2,436,716		\$3,164,078