


MACFARLANE FERGUSON & MCMULLEN

ATTORNEYS & COUNSELORS AT LAW EST. 1884

One Tampa City Center, Suite 2000
201 N. Franklin Street
P.O. Box 1531 (33601)
Tampa, FL 33602
813.273.4200 Fax: 813.273.4396

WWW.MFMLLEGAL.COM
EMAIL: INFO@MFMLEGAL.COM

625 Court Street, Suite 200
P.O. Box 1669 (33757)
Clearwater, FL 33756
727.441.8966 Fax: 727.442.8470

In Reply Refer to:
Tampa
ab@macfar.com

July 10, 2020

VIA E-PORTAL FILING

Mr. Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 202000051-GU – Petition for rate increase by Peoples Gas System

Dear Mr. Teitzman:

Attached for electronic filing in the above docket on behalf of Peoples Gas System, please find its Motion for a Temporary Protective Order in the above case.

Your assistance in this matter is greatly appreciated.

Sincerely,


Andrew M. Brown

AB/plb
Attachment

cc: J.R. Kelly/Mireille Fall-Fry (kelly.jr@leg.state.fl.us; fall-fry.mireille@leg.state.fl.us)
Kurt Schrader/Jennifer S. Crawford/Walter Trierweiler (kschrade@psc.state.fl.us;
jcrawfor@psc.state.fl.us; wtrierwe@psc.state.fl.us)
Jon C. Moyle, Jr., Esq./Karen A. Putnal, Esq. (jmoyle@moylelaw.com;
kputnal@moylelaw.com; mqualls@moylelaw.com)
Paula K. Brown
Kandi Floyd
Karen Bramley
Thomas F. Farrior, Esq.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by
Peoples Gas System.

Docket No. 20200051-GU
Submitted for Filing: July 10, 2020

PEOPLES GAS SYSTEM’S MOTION FOR A TEMPORARY PROTECTIVE ORDER

Peoples Gas System (“Peoples” or the “Company”), pursuant to Rule 25-22.006(6)(c), *Florida Administrative Code*, hereby moves the Commission for entry of a temporary protective order exempting from Section 119.07, *Florida Statutes*; certain information requested by the Office of Public Counsel (“OPC”) through discovery, and for the protection of that information against public disclosure pending OPC’s review of it in question. In support of its Motion the Company says:

1. On June 10, 2020, OPC served on Peoples its First Set of Interrogatories (Nos. 1-75) and First Request for Production of Documents (Nos. 1-45). This Motion relates to OPC’s First Request for Production of Documents Nos. 12, 16, 18, 19, 21, 22, 25, 26, 27, 28, 33, 34, 35, 39 and 43 and OPC’s First Set of Interrogatories Nos. 7, 13, 50, 64 and 65, which read as follows:

CITIZENS’ FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

12. Please provide a complete copy of PGS’ detailed general ledger for 2019 and 2020 to date.

16. Please provide any reports for 2017 to the present by investor’s services (e.g. Moody’s, Standard & Poor’s, etc.) relating to the operations of Peoples Gas System, Tampa Electric Company, and Emera, Incorporated.

18. Please provide copies of all prospectuses for any security issuances, private placement documents, or loan agreements for any debt or equity instruments of by Peoples Gas System, Tampa Electric Company, and Emera, Incorporated from January 1, 2017, to the present.

19. Please provide copies of credit reports for Peoples Gas System,

Tampa Electric Company, and Emera, Incorporated from January 1, 2017, to the present.

21. Please provide all associated source documents and workpapers used to calculate the breakdown in the expected return on pension plan assets, specifically, by the different assets classes (bonds, US stocks, international stocks, etc.).
22. Please provide all associated source documents and workpapers used to calculate the expected return on pension plan assets, including the expected return on different asset classes (bonds, US stocks, international stocks, etc.) used in determining the expected return on plan assets, for the years 2015 to 2019 and 2020 to date.
25. Please provide a schedule showing the following information for employees with compensation tied to an incentive/bonus/at-risk pay mechanism:
 - a. The individual employees.
 - b. The portion of their compensation related to an incentive/goal/at-risk pay mechanism.
 - c. The portion of the incentive/goal/at-risk pay mechanism compensation related to job performance goals.
 - d. The portion of the incentive/goal/at-risk pay mechanism compensation related to earnings achievement goals.
 - e. The total compensation.
26. Provide the two most recent State of Florida and federal consolidated income tax returns of Peoples Gas System, Tampa Electric Company, and Emera, Incorporated from January 1, 2017, to the present including all supporting forms and attachments.
27. Provide the PGS quarterly employment tax returns (form 941) for 2018, 2019 and 2020 to date.
28. Identify and provide a copy of all requests for private letter rulings submitted by or for Peoples Gas System, Tampa Electric Company, and Emera, Incorporated in each year, 2015 through the present. Also provide copies of the IRS' responses to the requests for the PLRs.
33. Please provide a copy of all of PGS' jurisdictional operating and capital budget variance reports for 2016, 2017, 2018, 2019 and 2020 to date.

34. Please provide all copies of business analysis plans (or the functional equivalent), phase project authorization plans and associated presentations for any plant additions, made to the Board of Directors or Executive Management for approval during the time period 2015 through 2019 and 2020 to date. Please include any project authorization forms with signatures.
35. Please provide a copy of all internal audit reports for from the years 2016, 2017, 2018, 2019 and 2020 to date for Peoples Gas System, Tampa Electric Company, and Emera, Incorporated.
39. Provide a copy of all Peoples Gas System, Tampa Electric Company, and Emera, Incorporated Board of Directors Meeting minutes and board committee minutes and presentations to the Peoples Gas System, Tampa Electric Company, and Emera, Incorporated boards in 2017, 2018, 2019 and 2020 to date.
43. Please provide copies of the tax sharing agreements between PGS and its affiliates applicable for 2016 through 2020 to date.

CITIZENS' FIRST SET OF INTERROGATORIES

7. Please provide the Company's salary structure including the salary range for each pay grade, as well as the number of employees in each grade.
13. Please identify and quantify all officer compensation by component, including incentive awards and bonuses, paid in each of the past three years and indicate the portion of each component that is included in the Company's proposed revenue requirement. Please also identify, by title, the officers whose compensation is included in this response.
50. Please indicate whether the employee positions used in the Company's labor calculations for the test year are authorized or actually filled positions. If unfilled, explain the basis for including them.
64. Please provide the names, titles, and duties of all common or shared officers and directors of Emera Incorporated and its affiliates, divisions, and subsidiaries. For each common officer and director, state the amount of total compensation (salary, benefits, bonuses, stock related compensation, etc., identified separately) paid in 2017, 2018, 2019, actual/projected for 2020 and projected for the test year ended December 31, 2021; provide the amount charged to PGS in each of these years; and explain how each person's salary and

benefits are charged to the affiliates of Emera Incorporated. Indicate the separate amount charge to O&M expense and capitalized, and breakdown the total compensation by type including, but not limited to, salary, deferred compensation, stock options, vehicle allowances, etc.

65. Please provide the name and job description of each shared executive whose costs are allocated or directly charged to PGS for the years 2016, 2017, 2018, and 2019, and the projected years 2020 and 2021.
- a. Please provide the loaded salary and benefits (identifying separately the amount of all salary, bonuses, benefits, stock options, and other compensation (please itemize all other compensation)) for each executive identified. Provide the requested information for the years 2016, 2017, 2018, 2019, actual/projected for 2020 and projected for the test year ended December 31, 2021. Explain all variations of more than 10% for each year-to-year period.
 - b. For each officer identified, state the amount of the officer's total compensation and benefits that is allocated to each affiliate of PGS for the years 2016, 2017, 2018, 2019, actual/projected for 2020 and projected for the test year ended December 31, 2021.
 - c. For each executive identified, state the amount of the executive's loaded compensation and benefits (identifying separately the amount of all salary, bonuses, benefits, stock options, and other compensation (please itemize all other compensation)) that is directly charged to each affiliate of PGS. (Provide the requested information for the years 2016, 2017, 2018, 2019, actual/projected for 2020 and projected for the test year ended December 31, 2021.)
 - d. For each officer identified, state the amount of the officer's total compensation and benefits that is directly charged to each affiliate of PGS.
 - e. For each individual identified, please provide the amount of time spent on PGS activities.

2. Peoples possesses many documents responsive to the above PODs and Interrogatories, that contain confidential proprietary business information entitled to protection

against public disclosure pursuant to Section 366.093, *Florida Statutes*, in that they contain among other things:

- (b) internal auditing controls and reports of internal auditors.
- (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 (Section 366.093(3)(d) and (e), *Florida Statutes*).

3. Public disclosure of the information in question would adversely affect the economic interests of Peoples and its customers.

4. Rule 25-22.006, *Florida Administrative Code*, provides for protection of this type of information when a utility allows Public Counsel to inspect or take possession of such information in the course of discovery. Subsection (6)(c) of this rule states:

- (c) When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.07(1), F.S. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

5. Peoples requests a temporary protective order in order to allow OPC access to the information requested and at the same time protect the economic interests of Peoples and its customers from the harm that would result from public disclosure of the above-referenced confidential information.

6. Peoples is prepared to furnish OPC access to the requested information. The Company maintains the information in question in a confidential form and has not disclosed it publicly.

WHEREFORE, Peoples moves the Commission for entry of a temporary protective order allowing it to provide access to OPC to the information requested while maintaining the confidential nature of that information.

DATED this 10th day of July, 2020.

Respectfully submitted,

/s/ Andrew M. Brown, Esq.
Andrew M. Brown
Thomas R. Farrior
Macfarlane Ferguson & McMullen
Post Office Box 1531
Tampa, Florida 33601
(813) 273-4300
ab@macfar.com
trf@macfar.com

Attorneys for Peoples Gas System

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for a Temporary Protective Order of Peoples Gas System has been furnished via electronic mail to the following, this 10th day of July, 2020:

J.R. Kelly, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400
kellyjr@leg.state.fl.us

Paula K. Brown
Regulatory Department
TECO Energy, Inc.
P.O. Box 111
Tampa, FL 33601-0111
regdept@tecoenergy.com

Jennifer S. Crawford, Esq.
Kurt Schrader, Esq.
Walter Trierweiler, Esq.
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
jcrawfor@psc.state.fl.us
kschrade@psc.state.fl.us
wtrierwe@psc.state.fl.us

Mireille Fall-Fry, Esq.
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
fall-fry.mireille@leg.state.fl.us

Kandi M. Floyd
Peoples Gas System
P.O. Box 111
Tampa, FL 33601-0111
kfloyd@tecoenergy.com

Florida Industrial Power Users Group
c/o Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

/s/ Andrew M. Brown, Esq.
Andrew M. Brown