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Attorneys and Counselors at Law
123 South Calhoun Street
P.O. Box 391 32302
Tallahassee, FL 32301
P: (850) 224-9115
F: (850) 222-7560
ausley.com

March 3, 2023

VIA ELECTRONIC FILING

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

Re: Docket No. 20220212-GU; Peoples Gas System Inc.'s Petition for Approval of Depreciation Rate and Subaccount for Renewable Natural Gas Facilities Leased to Others

Dear Mr. Teitzman:

Attached for filing in the above docket is Peoples Gas System Inc.'s Request for Confidential Classification of certain information contained in the company's response to Staff's First Data Request (Nos. 1-16), served by electronic mail on February 2, 2023. Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in blue ink that reads 'V. Ponder'.

Virginia L. Ponder

VLP/ne

Attachment

cc: Daniel Dose, FPSC, Office of General Counsel
Jennifer Crawford, FPSC, Office of General Counsel

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Approval of Depreciation Rate)
For Leased Renewable Natural Gas)
Equipment by Peoples Gas System, Inc.)
_____)

DOCKET NO.: 20220212-EI
FILED: March 3, 2023

**PEOPLES GAS SYSTEM, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Peoples Gas System, Inc. (“Peoples” or “the company”), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification for certain information contained in the company’s response to Florida Public Service Commission (“Commission”) Staff’s first data request. In support thereof, Peoples states:

Background

1. On December 15, 2022, Peoples filed a Petition for Approval of Depreciation Rate and Subaccount for Renewable Natural Gas Facilities Leased to Others (“Petition”), which established the above-captioned docket. *See* DN 12024-2022.

2. In the Petition, Peoples explained that the request for a new depreciation rate and subaccount was prompted by the company’s participation in a new renewable natural gas (“RNG”) project. Paragraph 20 of the Petition explained that that the RNG project is governed by a series of agreements between Peoples and Brightmark Sobek RNG, LLC (“Project Agreements”).

3. On February 2, 2023, Commission Staff served Peoples with Staff’s First Data Request. *See* DN00830-2023.

4. Staff’s First Data Request No. 7 asks Peoples to produce the agreements referred to Paragraph 20 of the Petition (*i.e.*, the Project Agreements). As explained herein, Peoples seeks confidential classification of certain information included in these agreements.

Request

5. Subsection 366.093(1), Florida Statutes, provides that any records “found by the Commission to be proprietary confidential business information shall be kept confidential and exempt from s. 119.07(1), Florida Statutes requiring disclosure under the Public Records Act.]”

6. Proprietary confidential business information includes, but is not limited to: “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 and service on favorable terms” and “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(3)(d)-(e), Fla. Stat.

7. The confidential information that is the subject of this request falls within these statutory categories and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code.

8. Attached hereto as Exhibit A is a justification for confidential treatment of the confidential information contained in the Project Agreements.

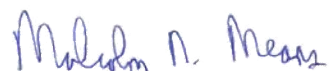
9. Public versions of the documents with the confidential information redacted were previously produced as part of the company’s responses to Staff’s First Data Request.

10. The confidential information in the Project Agreements is intended to be and is treated by Peoples as confidential and has not been publicly disclosed.

11. Pursuant to Rule 25-22.006(9)(a), Peoples requests that the confidential information be treated by the Commission as proprietary confidential business information for 18 months.

WHEREFORE, Peoples respectfully requests that the confidential information that is the subject of this request be accorded confidential classification for the reasons set forth herein for 18 months.

Respectfully submitted,



J. JEFFRY WAHLEN

jwahlen@ausley.com

MALCOLM N. MEANS

mmeans@ausley.com

VIRGINIA PONDER

vponder@ausley.com

Ausley McMullen

Post Office Box 391

Tallahassee, Florida 32302

(850) 224-9115

ATTORNEYS FOR PEOPLES GAS SYSTEM, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 3rd day of March 2023 to the following:

Daniel Dose
Jennifer Crawford
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ddose@psc.state.fl.us
jcrawfor@psc.state.fl.us



ATTORNEY

EXHIBIT A

JUSTIFICATION FOR CONFIDENTIAL TREATMENT

Purchase and Sale Agreement

Bates Page	Paragraph or Section Number	Description of Information	Justification
12	C	The Highlighted Text	(1)
13	1.1(a)	The Highlighted Text	(1)
14	1.1(e)	The Highlighted Text	(1)
16	Default Interest Rate	The Highlighted Text	(1)
16	EPC Contract	The Highlighted Text	(2)
18	Interest Rate	The Highlighted Text	(1)
19	Permitted Liens	The Highlighted Text	(1)
19	Remedies Limit	The Highlighted Text	(1)
21	2.1(b)	The Highlighted Text	(1)
23	3.2	The Highlighted Text	(1)
25	4.3	The Highlighted Text	(1)
26	4.6	The Highlighted Text	(1)
27	6.5	The Highlighted Text	(1)
28	6.12	The Highlighted Text	(1)
29	8.3	The Highlighted Text	(1)
31-32	11.2-11.5	The Highlighted Text	(1)
32	12.3	The Highlighted Text	(1)
34-38	16.1-16.3	The Highlighted Text	(1)
69-72	Exhibit B- Personal Property	The Highlighted Text	(2)
76-77	3.1	The Highlighted Text	(1)
77-78	3.2	The Highlighted Text	(1)
78	3.3	The Highlighted Text	(1)
78	3.4	The Highlighted Text	(1)
78-79	3.5	The Highlighted Text	(1)
79	3.6-3.8	The Highlighted Text	(1)
81	4.4	The Highlighted Text	(1)
81-82	4.6	The Highlighted Text	(1)
88-89	3.1	The Highlighted Text	(1)
89-90	3.2	The Highlighted Text	(1)
90	3.3	The Highlighted Text	(1)
90-91	3.4	The Highlighted Text	(1)
91	3.5-3.8	The Highlighted Text	(1)
93	4.4	The Highlighted Text	(1)
98	Budgeted Category	The Highlighted Text	(2)
98	Amount	The Highlighted Text	(1)
103-209	Entire Page	Entire Page	(2)
214-215	Schedule 4.2 – Contractors, Subcontractors, and Materialmen	The Highlighted Text	(2)

Bates Page	Paragraph or Section Number	Description of Information	Justification
216	A	The Highlighted Text	(1)
216	B	The Highlighted Text	(1)
217	C	The Highlighted Text	(1)
271	3	The Highlighted Text	(1)
283	2(c)(i)	The Highlighted Text	(1)
285-286	3(c)	The Highlighted Text	(1)
288	(6)(e)(ii)	The Highlighted Text	(1)
289	(6)(e)(iii)	The Highlighted Text	(1)
289	6(e)(iv)	The Highlighted Text	(1)
289	6(e)(v)	The Highlighted Text	(1)
289	6(e)(vii)	The Highlighted Text	(1)
295	9(b)(v)	The Highlighted Text	(1)
296	10(a)	The Highlighted Text	(1)
297	10(b)	The Highlighted Text	(1)
297	11(a)-11(b)	The Highlighted Text	(1)
298	13(a)(i)-(x)	The Highlighted Text	(1)
299	13(b)(i)-(vi)	The Highlighted Text	(1)
299-300	14(a)	The Highlighted Text	(1)
300-301	14(b)-(g)	The Highlighted Text	(1)
301-302	15(a)-(b)	The Highlighted Text	(1)
303-304	18(a)(i)-(iv)	The Highlighted Text	(1)
314	Exhibit A	The Highlighted Text	(1)
315	Exhibit B	The Highlighted Text	(2)

Renewable Natural Gas Service Agreement (“RNGSA”)
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Bates Page	Paragraph or Section Number	Description of Information	Justification
330	Recitals	The Highlighted Text	(2)
332	Article III	The Highlighted Text	(1)
333	Section 4.3	The Highlighted Text	(1)
334	Section 5.1	The Highlighted Text	(1)
335	Section 5.4	The Highlighted Text	(1)
335	Section 5.5	The Highlighted Text	(1)
336	Section 7.1	The Highlighted Text	(1)
337	Section 8.2	The Highlighted Text	(1)
337	Section 8.3 (Billing Disputes)	The Highlighted Text	(1)
337	Section 9.1	The Highlighted Text	(1)
337	Section 9.2	The Highlighted Text	(1)
343	Appendix A	The Highlighted Text	(2)
344	Appendix B	The Highlighted Text	(2)
345	Appendix C	The Highlighted Text	(2)
346	Entire Page	The Highlighted Text	(2)
348	Appendix D	The Highlighted Text	(1)

Bates Page	Paragraph or Section Number	Description of Information	Justification
349	Appendix E	The Highlighted Text	(1)
354	Section 3.1	The Highlighted Text	(1)
354-356	Section 3.2	The Highlighted Text	(1)
356	Sections 3.3-3.8	The Highlighted Text	(1)
358	Section 4.4	The Highlighted Text	(1)
359	Section 4.6	The Highlighted Text	(1)

RNGSA Guaranty

Bates Page	Paragraph or Section Number	Description of Information	Justification
365	Section 3.1	The Highlighted Text	(1)
365-366	Section 3.2	The Highlighted Text	(1)
367	Section 3.3-3.8	The Highlighted Text	(1)
369	Section 4.4	The Highlighted Text	(1)
370	Section 4.6	The Highlighted Text	(1)

- (1) This highlighted information consists of negotiated, non-standard contractual terms such as pricing, scope of work, or the rights and obligations of the signatories. This constitutes “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility to contract for goods or services on favorable terms.” §366.093(3)(d), Fla. Stat. It also constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(e), Fla. Stat. This information is accordingly entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.
- (2) Pursuant to the Project Agreements, Brightmark will construct facilities to collect and condition biogas. The highlighted information consists of project layout, design, and/or engineering information; the identities of contractors engaged to develop various aspects of the project; and/or information describing the project equipment. Public disclosure of the project design and scope information could impair the ability of Peoples to enter into similar contracts with RNG project developers in the future. Public disclosure would also impair Birthmark’s competitive business interests by making their RNG facility designs and development process public. This information thus constitutes “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility to contract for goods or services on favorable terms.” §366.093(3)(d), Fla. Stat. It also constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(e), Fla. Stat. This information is accordingly entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.