

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Southern Union  
Company for Authority to Issue and Sell  
Securities Pursuant to Section 366.04,  
Florida Statutes, and Chapter 25-8,  
Florida Administrative Code; and  
Request for Approval to Borrow Funds  
for Short-term Financing Purposes

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Docket No. 000691-CU  
Filed: June 5, 2000

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Southern Union Company ("Southern Union"), by and through undersigned counsel, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests that the Florida Public Service Commission (the "Commission") classify as confidential Exhibit "C" to Southern Union's Application for Authority to Issue and Sell Securities Pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code; and Request for Approval to Borrow Funds for Short-term Financing Purposes (the "Application"). In support of its request, Southern Union states:

1. Southern Union is filing this Request for Confidential Classification contemporaneously with filing its Application. Rule 25-8.003(1)(b), Florida Administrative Code, requires an application for authority to issue and sell securities to include as an exhibit projected financial information including a sources and uses of funds statement and a construction budget. Exhibit "C" to Southern Union's Application consists of Southern Union's sources and uses of funds forecast and construction budget.

DOCUMENT NUMBER-DATE

06842 JUN-58

FPSC-RECORDS/REPORTING

2. The information in Exhibit "C" to Southern Union's Application is intended to be and has been treated by Southern Union as private and has not been disclosed unless disclosed pursuant to a statutory provision, order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

3. Exhibit "C" is entitled to confidential classification pursuant to Section 366.093(3), Florida Statutes, and is exempt from Section 119.07(1), Florida Statutes, and Article I, Section 24(a) of the Florida Constitution, because it contains proprietary confidential business information. Section 366.093(3), provides that proprietary confidential business information is:

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 . . . person or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of court or administrative body, or private agreement that provides that the information will not be released to the public.

§ 366.093(3), Fla. Stat. (1999). Section 366.093(3) further provides that proprietary confidential business information includes "[i]nformation relating to the competitive interests, the disclosure of which would impair the competitive business of the provider of the information." § 366.093(3)(e), Fla. Stat. (1999).

4. Exhibit "C" to Southern Union's Application constitutes proprietary confidential business information within the meaning of that term as defined in Section 366.093(3), Florida Statutes. Exhibit "C" contains forward-looking financial projections and budget information. Public disclosure of the information in Exhibit

"C" would allow competitors to have access to information about the financial resources and business strategies of Southern Union. Accordingly, public disclosure of Exhibit "C" would harm Southern Union.

5. Attached hereto is a separate sealed envelope containing one copy of Exhibit "C." All of the information contained in Exhibit "C," with the exception of the heading, is confidential. Thus, it is not possible to edit out confidential portions of Exhibit "C." Additionally, because Exhibit "C" is confidential in its entirety, there is no basis for articulating a line-by-line justification for confidential treatment of the information. Southern Union, however, has summarized the confidential information in this Request for Confidential Classification.

6. At this time, Southern Union is unable to provide a date by which Exhibit "C" will no longer be proprietary confidential business information.

7. Southern Union has good cause and justification for its request, and continued confidentiality of Exhibit "C" will not prejudice the Commission or any persons or entities that may become parties to this docket. Moreover, Southern Union will make Exhibit "C" available for inspection upon execution of the appropriate protective agreement.

WHEREFORE, Southern Union respectfully requests that the Commission determine that Exhibit "C" to Southern Union's Application is confidential and exempt from the Public Records Act, Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.

Respectfully submitted,



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**Attorneys for Southern Union Company**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT a true and correct copy of the foregoing was furnished by U.S. Mail to Jack Shreve, Office of Public Counsel, 111 W. Madison Street, Suite 812, Tallahassee, Florida 32399 this 5th day of June, 2000.



Karen D. Walker

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