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IN REPLY REFER TO:

Ansley Watson, Jr.  
P.O. Box 1531  
Tampa, Florida 33601  
e-mail: [aw@macfar.com](mailto:aw@macfar.com)

November 24, 2008

## VIA FEDEX

Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
08 NOV 25 PM 1:57  
COMMISSION  
CLERK

**Re: Docket No. 080318-GU -- Petition for rate increase by Peoples Gas System**

Dear Ms. Cole:

Enclosed for filing in the above docket on behalf of Peoples Gas System ("Peoples") are the original and 20 copies of Peoples' **Request for Confidential Classification and Motion for Temporary Protective Order** with respect to portions of the answer to Staff Interrogatory No. 68.

Also enclosed, in an envelope marked "CONFIDENTIAL," is a single copy of the answer to Staff Interrogatory No. 68, with the confidential information highlighted in yellow.

Please acknowledge your receipt and the date of filing of the enclosures on the duplicate copy of this letter and return the same to me in the enclosed preaddressed envelope.

Thank you for your usual assistance.

Sincerely,



ANSLEY WATSON, JR.

DOCUMENT NUMBER-DATE

10949 NOV 25 8

FPSC-COMMISSION CLERK

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Ann Cole, Commission Clerk  
November 24, 2008  
Page 2

AWjr/a  
Enclosures

cc: Parties of Record  
Mrs. Kandi M. Floyd

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 080318-GU

Submitted for Filing:  
11-25-08

**PEOPLES GAS SYSTEM'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Peoples Gas System ("Peoples" or the "Company"), pursuant to Section 366.093, *Florida Statutes*, and Rule 25-22.006, *Florida Administrative Code*, hereby requests confidential classification of (and the issuance of a temporary protective order with respect to) the yellow highlighted information contained in the following described document(s) (the "Document(s)") stamped "CONFIDENTIAL", which are submitted herewith, all of said confidential information being hereinafter referred to as "Confidential Information."

**Description of the Document(s)**

The Document consists of Peoples' answer to Staff Interrogatory No. 68, served on parties of record in the above docket on November 24, 2008, and provides information resulting from the terms of an agreement dated as of January 23, 2006, between Peoples and a supplier in settlement of litigation (the "Settlement Agreement"). The Settlement Agreement contains a provision prohibiting the parties thereto from disclosing the terms thereof.

1. 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 shall be exempt from s. 119.07(1), *Florida Statutes* [requiring disclosure

DOCUMENT NUMBER-DATE

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under the Public Records Act].” Proprietary confidential business information includes, but is not limited to “[i]nformation concerning . . . contractual data, the disclosure of which would impair the efforts of the public utility . . . to contract for goods or services on favorable terms”, and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Subsections 366.093(3)(d) and (e), *Florida Statutes*. The Confidential Information that is the subject of this request and motion falls within the 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*.

2. Attached hereto as Exhibit “A” is justification for confidential treatment of the Confidential Information contained in the Document.

3. The Confidential Information contained in the Document is intended to be and is treated by both Peoples and the supplier as private pursuant to the Settlement Agreement and has not been publicly disclosed.

4. For the same reasons set forth herein in support of its request for confidential classification, Peoples also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), *Florida Administrative Code*, protecting the Confidential Information from public disclosure.

**Requested Duration of Confidential Classification**

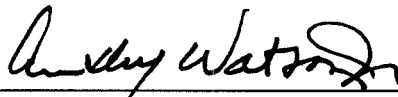
5. Peoples requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), *Florida Administrative Code*. If, and to the extent that the Company is in need of confidential classification of the Confidential

Information beyond the 18 month period set forth in the Commission rule, the justification and grounds for such extended period of confidential treatment are set forth in Exhibit "C" to this request and motion.

WHEREFORE, Peoples Gas System respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The Company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), *Florida Administrative Code*, protecting the Confidential Information from public disclosure.

DATED this 24th day of November, 2008.

Respectfully submitted,



---

Ansley Watson, Jr.  
Macfarlane Ferguson & McMullen  
P. O. Box 1531  
Tampa, Florida 33601-1531  
(813) 273-4321

Attorneys for Peoples Gas System

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification and Motion for Temporary Protective Order, filed on behalf of Peoples Gas System, has been furnished by U. S. Mail this 24th day of November, 2008, to the following:


Caroline M. Klancke, Esquire  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Katherine E. Fleming, Esquire  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Stephen C. Burgess, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

John W. McWhirter, Jr., Esquire  
McWhirter Law Firm  
P. O. Box 3350  
Tampa, Florida 33601-3350

Ms. Annette Follmer  
U. S. Gypsum Company  
P. O. Box 806278  
125 S. Franklin Street  
Chicago, Illinois 60680-4124

  
\_\_\_\_\_  
Ansley Watson, Jr.

**EXHIBIT A**

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED PORTIONS OF THE DOCUMENT**

<b><u>Location</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
First Column	All highlighted information	(1), (2)
Next-to-last line of columns titled "2006", "2007" and "Estimated 2008"	All highlighted information	(1), (2)
Last line	All highlighted information	(3)

- 
- (1) The Confidential Information contained in the Document is intended to be and is treated by Peoples as private pursuant to the terms of the Settlement Agreement and has not been publicly disclosed. Disclosure of this contractual data would place Peoples in violation of the confidentiality provisions of the Settlement Agreement. More importantly, because Peoples continues to acquire goods from the supplier/counterparty to the Settlement Agreement, disclosure of this contractual data would impair Peoples' efforts to contract with the supplier for such goods in the future on favorable terms and conditions. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(d), *Florida Statutes*.
  - (2) The Confidential Information contained in the Document is intended to be and is treated by Peoples as private pursuant to the terms of the Settlement Agreement and has not been publicly disclosed. The contractual data also relates to the competitive interests of Peoples' supplier (the counterparty to the Settlement Agreement), and disclosure of the same would impair those competitive interests to the extent that others supplied by the supplier (and who may also now or in the future be or become engaged in litigation with the supplier) could be less inclined to do business with the supplier, or gain insight into the terms on which the supplier was willing to settle the litigation. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(e), *Florida Statutes*.
  - (3) The data in each column on this line are algebraic functions of the confidential number in the line immediately above and the line immediately above the next-to-last line. See Rationale (1) and (2) above. Thus, this information would permit the calculation of contractual information which, if made public, "would impair the

efforts of [Peoples] to contract for goods or services on favorable terms." Section 366.093(3)(d), *Florida Statutes*. This information would also permit the calculation of information which, if made public, would impair the competitive interests of Peoples' supplier. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(3)(e), *Florida Statutes*.



**PUBLIC VERSION(S) OF THE DOCUMENT**

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document with the Confidential Information redacted.

Public Version(s) of the Document attached

Public Version(s) of the Document previously served on \_\_\_\_\_

## **REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

Peoples requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefore is set forth below:

n/a

**PEOPLES GAS SYSTEM**  
**DOCKET NO. 080318-GU**  
**STAFF'S FIFTH SET OF**  
**INTERROGATORIES**  
**INTERROGATORY NO. 68**  
**PAGE 1 OF 1**  
**SERVED: NOVEMBER 24, 2008**

68. In its response to OPC's Interrogatory No. 39, PGS stated that the adjusted 2009 Operation and Maintenance (O&M) expenses were additionally adjusted by the expenses and revenues incurred by PGS for the replacement activity. Please provide the expenses and revenues that were incurred for the replacement activity.

A. See schedule below.

Meter Changeout Activity  
 Account 878-02

	<b>2006</b>	<b>2007</b>	<b>Estimated 2008</b>
Salaries	\$128,218	\$155,996	
Materials	10,888	3,525	
Employee Expenses	34	-	
Equipment use	13,355	22,099	
Outside Services	119,771	427,507	
Other	(7,050)	-	
Total	265,216	609,127	\$335,164
	██████████	██████████	██████████
Total	██████████	██████████	██████████

(P. Higgins)

**PEOPLES GAS SYSTEM**  
**DOCKET NO. 080318-GU**  
**STAFF'S FIFTH SET OF**  
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**PAGE 1 OF 1**  
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	██████████	██████████	██████████
Total	██████████	██████████	██████████

(P. Higgins)

STATE OF FLORIDA

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** November 25, 2008

**TO:** Ansley Watson, Jr., Mcfarlane Law Firm

**FROM:** Ruth Nettles, Office of Commission Clerk

**RE:** Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080318 or, if filed in an undocketed matter, concerning portions of the answer to staff Interrogatory No. 68, and filed on behalf of Peoples Gas System. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE  
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