

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of Special Gas Transportation Service agreement with Florida City Gas by Miami-Dade County through Miami-Dade Water and Sewer Department.

DOCKET NO. 090539-GU
ORDER NO. PSC-11-0158-CFO-GU
ISSUED: March 7, 2011

ORDER GRANTING FLORIDA CITY GAS COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 01210-11)

On February 23, 2011, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida City Gas Company (FCG) filed a request for confidential classification of certain material contained in FCG's Response to Miami-Dade Water and Sewer Department's (MDWASD) Second Request for Production of Documents, Item No. 19 (Document No. 01210-11). This request was filed in Docket No. 090539-GU.

Request for Confidential Classification

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3)(d), F.S., provides that proprietary confidential business information includes, but is not limited to, "[i]nformation 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."

FCG contends that the information contained in its response to MDWASD's Second Request for Production of Documents No. 19, as more specifically described in the table in Attachment A, falls within this category and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FCG states that this information is intended to be and is treated by FCG as private and has not been publicly disclosed.

FCG asserts that its response contains a Master Service Agreement between FCG's parent company, AGL Resources (AGLR), and its outside regulatory consultants. FCG asserts that this contractual information is not released to the public and, if disclosed, would impact the competitive interests of the company, and ultimately its ratepayers, in the company's negotiations of other such agreements. Moreover, FCG states that this contract, as a Master Service Agreement, serves all of the various AGLR companies in each of the various states in

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which it operates, including FCG in Florida, and as such, public disclosure would impact the company's regulated and non-regulated business operations in multiple states, including Florida.

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d), F.S., for classification as proprietary confidential business information. The information constitutes "[i]nformation 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." Thus, the information contained in Document No. 01210-11, as more specifically described in Attachment A, shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FCG or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Chairman Art Graham, as Prehearing Officer, that Florida City Gas Company's Request for Confidential Classification of information contained in Document No. 01210-11, as detailed in Attachment A, is granted. It is further

ORDERED that the information in Document No. 01210-11 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Chairman Art Graham, as Prehearing Officer, this 7th day of March, 2011.


ART GRAHAM
Chairman and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

Attachment A

Document	No. of Pages	Column/ Lines	Justification
Florida City Gas Company's Responses to MDWASD's Second Request for Production of Documents, Item No. 19	21	All pages	This document is a Master Service Agreement between FCG's parent company AGL Resources and its outside regulatory consultants. Pursuant to Section 366.093(3)(d), this contract constitutes "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." This contractual information is not released to the public and if disclosed, such disclosure would impact the competitive interests of the company (and ultimately its ratepayers) in the company's negotiations of other such agreements. Moreover, as a Master Service Agreement, this contract serves all of the various AGL Resources companies in each of the various states in which it operates, including FCG in Florida, and as such: public disclosure would impact the company's regulated and non-regulated business operations in multiple states including Florida