

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition of the Florida Division of)
Chesapeake Utilities Corporation)
for Acknowledgement or Approval)
of Amendments to Four Gas)
Transportation Agreements)
_____)

000987-60

REQUEST FOR CONFIDENTIAL CLASSIFICATION

The Florida Division of Chesapeake Utilities Corporation, ("the Company"), by and through its undersigned counsel and pursuant to Rule 25-22.006, Florida Administrative Code, hereby files a request that the Florida Public Service Commission ("the Commission") enter an order protecting from public disclosure the rates per dekatherm reflected on the Company's Exhibits 1, 2, 3 and 4 of the Company's Petition for Acknowledgement or Approval of Amendments to Four Gas Transportation Agreements which are submitted for filing concurrently herewith. As grounds for this request, the Company states:

1. Concurrent with this Request, the Company has submitted to the Commission a Petition for Acknowledgement or Approval of Amendments to Four Gas Transportation Agreements.
2. The Company asserts that certain information contained in the Attachments are entitled to confidential classification pursuant to §366.093(3)(e), Florida Statutes, as information the public disclosure of which would cause irreparable harm to the competitive interests of the Company and IMC-Agrico Company and Alumax Extrusions, Inc., two entities with whom it has negotiated amendments to Gas Transportation Agreements and for which Commission acknowledgement or approval is sought by the Petition. The Attachments contain proprietary and commercially sensitive information that is not otherwise publicly available.

RECEIVED & FILED *Confidential* DOCUMENT NUMBER-DATE DOCUMENT NUMBER-DATE *Request Conf.*
 FPSC-BUREAU OF RECORDS 09251 JUL 31 8 09250 JUL 31 8
 FPSC-RECORDS/REPORTING FPSC-RECORDS/REPORTING

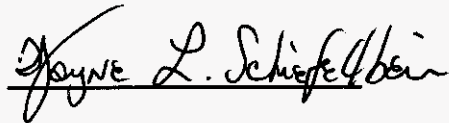
3. The public disclosure of certain information contained in the Attachments would cause irreparable harm to the Company and said two entities with whom it has entered into said Gas Transportation Agreements. The Attachments contain proprietary confidential business information, namely, the rates per dekatherm for said two entities. Public disclosure of this information would impair the ability of the Company to negotiate terms and conditions in future Gas Transportation Agreements that are the most favorable to the Company and its general body of customers. Moreover, the public disclosure of this information may prevent the Company from successfully negotiating Gas Transportation Agreements with customers. The information is also regarded as sensitive and confidential by the two customers with whom the Company has entered into said Gas Transportation Agreements because its public disclosure would impact the customers' ability to compete in their native markets. In the event such information is made public, future potential Gas Transportation Agreement customers may avoid the risk of public disclosure of their confidential information by refusing to negotiate with the Company. This may lead to uneconomic bypass of the Company's facilities. Thus, the Company requests that this information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.
4. Submitted herewith as Composite Attachment "A" is a copy of the Exhibits, on which is highlighted the specific rate information for which confidential classification is requested. Composite Attachment "A" should be treated as confidential pending a ruling on this request. Composite Attachment "B" hereto consists of four (4) edited (or redacted) copies of the Exhibits, which may be made available for public review and

inspection. Composite Attachment "C" hereto is a line-by-line justification for this Request for confidential classification.

5. On November 26, 1997, in Docket No. 971559-GU, the Company filed a similar but more expansive request for confidential classification of pricing information contained in the Gas Transportation Agreements between the Company and the same two customers, IMC Agrico Company and Alumax Extrusions, Inc. The Commission approved the Company's request in its Orders No. PSC-98-0353-CFO-GU and PSC-98-0353A-CFO-GU, issued on March 3, 1998 and March 5, 1998, respectively. The rationale for approving this request for confidential classification of pricing information included in the Attachments filed herewith is substantially the same as the rationale supporting confidential classification of the original Attachments.
6. The material for which confidential classification is requested is intended to be, and is treated as, confidential by the Company and the two entities with whom it has entered into said Gas Transportation Agreements and has not been otherwise publicly disclosed.
7. The Company requests that the information for which it seeks confidential classification not be declassified any earlier than 18 months after issuance of the Order granting this Request for Confidential Classification.

WHEREFORE, Chesapeake Utilities Corporation, Florida Division respectfully requests that the Commission enter an order protecting the information highlighted on Composite Attachment "A" from public disclosure as proprietary confidential business information.

Respectfully submitted,

Handwritten signature of Wayne L. Schiefelbein in cursive script, underlined.

Wayne L. Schiefelbein
Wiggins & Villacorta
P.O. Drawer 1657
Tallahassee, Florida 32302
(850) 385-6007
(850) 385-6008

Attorneys for Chesapeake Utilities Corporation

COMPOSITE ATTACHMENT "A"

REQUEST FOR CONFIDENTIAL CLASSIFICATION

The highlighted information provided herein should be maintained as proprietary confidential business information pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C.

- Exhibit "1": First Revised Exhibit B to Gas Transportation Agreement with IMC Agrico Company, Inc., effective November 1, 1998
- Exhibit "2": Second Revised Exhibit B to Gas Transportation Agreement with IMC Agrico Company, Inc., effective January 1, 1999
- Exhibit "3": First Revised Exhibit B to Gas Transportation Agreement with Alumax Extrusions, Inc., effective November 1, 1998
- Exhibit "4": Second Revised Exhibit B to Gas Transportation Agreement with Alumax Extrusions, Inc., effective January 1, 1999

COMPOSITE ATTACHMENT "B"

Public (Redacted) Copies

- Exhibit "1": First Revised Exhibit B to Gas Transportation Agreement with IMC Agrico Company, Inc., effective November 1, 1998
- Exhibit "2": Second Revised Exhibit B to Gas Transportation Agreement with IMC Agrico Company, Inc., effective January 1, 1999
- Exhibit "3": First Revised Exhibit B to Gas Transportation Agreement with Alumax Extrusions, Inc., effective November 1, 1998
- Exhibit "4": Second Revised Exhibit B to Gas Transportation Agreement with Alumax Extrusions, Inc., effective January 1, 1999

EXHIBIT 1

**FIRST REVISED
EXHIBIT B
TO
GAS TRANSPORTATION AGREEMENT
BETWEEN
CHESAPEAKE UTILITIES CORPORATION AND
IMC-AGRICO COMPANY
EFFECTIVE NOVEMBER 1, 1998**

Transportation Rates

The rates to be charged for each dekatherm of gas delivered to Shipper's facility under this Agreement shall be as follows:

<u>Monthly Quantity</u>	<u>Rate per Dekatherm</u>
All Dekatherms	

TRANSPORTER:

Chesapeake Utilities Corporation,
a Delaware Corporation

By: 

Name: Stephen C. Thompson

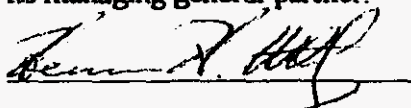
Title: Vice President

Date: 3-22-99

SHIPPER:

IMC-Agrico Company, a
Delaware general partnership

By: IMC-Agrico MP, Inc.,
a Delaware corporation as
its managing general partner.

By: 

Name: Hermann H. Wittje
Vice President

Title: Strategic Sourcing & By-Product Marketing

Date: March 11, 1999

EXHIBIT 2

**SECOND REVISED
EXHIBIT B
TO
GAS TRANSPORTATION AGREEMENT
BETWEEN
CHESAPEAKE UTILITIES CORPORATION AND
IMC-AGRICO COMPANY
EFFECTIVE JANUARY 1, 1999**

Transportation Rates

The rates to be charged for each dekatherm of gas delivered to Shipper's facility under this Agreement shall be as follows:

Monthly Quantity

Rate per Dekatherm

All Dekatherms

[REDACTED]

TRANSPORTER:

Chesapeake Utilities Corporation,
a Delaware Corporation

By: *Stephen C. Thompson*

Name: Stephen C. Thompson

Title: Vice President

Date: 3-22-99

SHIPPER:

IMC-Agrico Company, a
Delaware general partnership

By: *Hermann H. Wittje*

IMC-Agrico MP, Inc.,
a Delaware corporation as
its managing general partner.

By: *Hermann H. Wittje*

Name: Hermann H. Wittje

Title: Vice President

Title: Strategic Sourcing & By-Product Marketing

Date: March 11, 1999

EXHIBIT 3

**FIRST REVISED
EXHIBIT B
TO
GAS TRANSPORTATION AGREEMENT
BETWEEN
CHESAPEAKE UTILITIES CORPORATION
AND
ALUMAX EXTRUSIONS, INC.
EFFECTIVE NOVEMBER 1, 1998**

Transportation Rates

The rates to be charged for each dekatherm of gas transported under this Agreement shall be as follows:

Rate per Dekatherm

[REDACTED]

In addition to the charge stated above per dekatherm, there will be a Monthly Meter Charge of \$40 per meter located at the Plant City facility per month.

Company:

Chesapeake Utilities Corporation

By: Stephen C. Thompson

Title: Vice President

Date: 8-11-99

Shipper:

Alumax Extrusions, Inc.

By: William L Gardner

Title: General Manager

Date: 7-13-99

EXHIBIT 4

**SECOND REVISED
EXHIBIT B
TO
GAS TRANSPORTATION AGREEMENT
BETWEEN
CHESAPEAKE UTILITIES CORPORATION
AND
ALUMAX EXTRUSIONS, INC.
EFFECTIVE JANUARY 1, 1999**

Transportation Rates

The rates to be charged for each dekatherm of gas transported under this Agreement shall be as follows:

Rate per Dekatherm

[REDACTED]

In addition to the charge stated above per dekatherm, there will be a Monthly Meter Charge of \$40 per meter located at the Plant City facility per month.

Company:

Chesapeake Utilities Corporation

By: Stephen C. Thompson

Title: Vice President

Date: 8-11-99

Shipper:

Alumax Extrusions, Inc.

By: William L. Gardner

Title: Controller

Date: 6-23-99

COMPOSITE ATTACHMENT "C"

Attachment A-Exhibit 1-Redact the actual number under "Rate per Dekatherm"

Attachment A-Exhibit 2-Redact the actual number under "Rate per Dekatherm"

Attachment A-Exhibit 3-Redact the actual number under "Rate per Dekatherm"

Attachment A-Exhibit 4-Redact the actual number under "Rate per Dekatherm"

RATIONALE

This information is proprietary confidential business information regarding the rate to be paid by the customer for gas transportation. Public disclosure of this information would impair the ability of Chesapeake Utilities Corporation to negotiate terms and conditions in future Gas Transportation Agreements that are most favorable to the Company and its general body of customers. The result of public disclosure of the pricing information would be price convergence in future Gas Transportation Agreements. The public disclosure of this information may prevent the Company from successfully negotiating Gas Transportation Agreements with Customers. The information is regarded as sensitive and confidential by the Customers because its disclosure would impact the customers' ability to compete in their native markets. In the event such information is made public, future potential Gas Transportation Agreement customers may avoid the risk of public disclosure of their confidential information by refusing to negotiate with the Company. This may lead to uneconomic bypass of the Company's facilities.