

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Purchased gas adjustment
(PGA) true-up.

DOCKET NO. 980003-GU
ORDER NO. PSC-98-0743-CFO-GU
ISSUED: May 29, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO PORTIONS OF STAFF
AUDIT WORK PAPERS FOR FLORIDA PUBLIC UTILITIES COMPANY'S PGA
AUDIT FOR 12 MONTHS ENDING SEPTEMBER, 1997
(DOCUMENT NOS. 12565-97 AND 12109-97)

Pursuant to Section 366.093, Florida Statutes and Rule 25-33.006(4), Florida Administrative Code, on December 9, 1997, Florida Public Utilities Company (FPUC) requested confidential classification for portions of staff's audit work papers pertaining to FPUC's Purchased Gas Adjustment Audit (PGA) for the twelve months ending September 1997 (Document Nos. 12565-97 and 12109-97).

FPUC contends that the information contained in Document Nos. 12565-97 and 12109-97 are proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. FPUC contends that the information and material at issue are intended to be and are treated by the company as proprietary and confidential. FPUC maintains that the Commission has already ruled that this type of information is entitled to the protection of Section 366.093, Florida Statutes, in Order Nos. PSC-96-0532-CFO-GU issued April 15, 1996, and PSC-96-0343-CFO-GU issued March 11, 1996. Both of these Orders were issued in Docket No. 960003-GU. FPUC requests that the information contained in Document Nos. 12565-97 and 12109-97 be granted confidential classification for a period of 18 months from the issuance of this Order.

FPUC requests confidential classification for the information described in the table below:

Work Paper Title	lines	columns	pages
Purchased Gas Cost	22-25, 40-46, 61-66		43P1
	21-27, 41-49		43P2

DOCUMENT NUMBER-DATE

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	23-29, 44-51, 66-73		43P3
	23-32, 47-62		43P4
	23-29		43P5
	23-29		43P6
		A, B, D and F	45-56
Cost of Gas by Supplier and Period	30-37 and 56- 63	A, C and D	43-1/1P1
	31-36 and 52- 61	"	43-1/1P2
	30-36 and 52- 59	"	43-1/1P3
	29-32 and 49- 57	"	43-1/2P1
	30-36 and 52- 61	"	43-1, 2P2
	30-36 and 52- 54	"	43-1/2P3

FPUC maintains that the information contained in the Auditor's Work Papers described in the table above is entitled to confidential classification because it represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company (FGT). FPUC asserts that these prices vary based on the operational flexibility of each contract. FPUC states that these data contain the names of gas suppliers from whom FPUC purchases gas supplies. FPUC argues that the release of supplier names would be detrimental to its interests and those of its customers because it would provide a competitor with a list of FPUC's totals paid to gas suppliers. FPUC contends that release of this information could provide competing gas suppliers with an advantage over FPUC and make FPUC's suppliers less likely to make price concessions. FPUC asserts that this is likely to lead to inflated price fixing by gas suppliers. Potentially, according to FPUC, release of the aforementioned information may result in

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higher gas costs which would have to be passed along to FPUC's customers. FPUC also asserts that these pages, lines and columns represent transactions by FPUC and affects its PGA for imbalances traded and as an alternative to FGT's cash out program. FPU argues that transactions of this type are with other pipeline customers and the FPU must be assured that no other pipeline customer will be able to ascertain the parties involved in this transaction with FPUC nor the prices of the components of such transaction nor the quantities involved in this transaction. Otherwise, FPUC argues, future transactions of this type may be put at undue risk. FPUC maintains that this information is contractual information which, if made public, "would impair the efforts of the utility to contract for good or services on favorable terms." Section 366.093(3)(d), Florida Statutes.

FPUC requests confidential classification of Document No. 12565-97 for a period of eighteen months from the issuance of this Order in accordance with Section 366.093(4), Florida Statutes. The utility maintains that this time period is necessary in order to allow the company to negotiate future gas payments on favorable terms.

Upon review, it appears that the information discussed above is proprietary confidential business information and should be given confidential treatment to avoid harm to FPUC and its ratepayers. Peoples requests that this information not be declassified for a period of 18 months. Section 366.093(4), Florida Statutes, states that any Commission finding that records contain proprietary confidential business information will remain effective for a period set by the Commission not to exceed 18 months, unless the Commission finds, for good cause, that protection from disclosure shall be made for a specified longer period. Based on the foregoing, FPUC's request for a confidential classification period of 18 months for the information described above shall, therefore, be granted.

In consideration of the foregoing, it is therefore

ORDERED by Susan F. Clark, as Prehearing Officer, that the portions of the Staff Audit Work Papers for Florida Public Utilities Company's PGA Audit for the Twelve Months Ending September, 1997, contained in Document Nos. 12565-97 and 12109-97 are granted confidential classification. It is further

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ORDERED that the information discussed above, which is contained in Document Nos. 12565-97 and 12109-97, is granted confidential classification for a period of eighteen months from the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 29th Day of May, 1998.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

GAJ

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.

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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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.