

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 980003-GU
ORDER NO. PSC-98-0543-CFO-GU
ISSUED: April 20, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF PEOPLES GAS
SYSTEM'S PGA FILING FOR OCTOBER, 1997 (DOCUMENT NO. 11993-97)

Pursuant to Section 366.093(3), Florida Statutes, Tampa Electric Company d/b/a Peoples Gas System (Peoples) requests confidential classification for portions of its purchased gas adjustment (PGA) filing for October, 1997, consisting of Schedules A-1, A-1 Supporting Detail, A-2, A-3, A-4, A-5, A-6, invoices covering Peoples' gas purchases for the month, an Open Access Gas Purchase Report, Accruals for Pipeline Charges, Accruals for Gas Purchased Report, Accrual/Actual Reconciliation Report and invoices thereto, and invoices reflecting prior period adjustments, bookout transactions, and FGT Refunds, if any. Peoples asserts that the information for which confidential treatment is sought is intended to be and is treated by Peoples and its affiliates as private and has not been disclosed. Peoples requests that the information for which confidential treatment is requested not be declassified for a period of eighteen months from the date of the issuance of this order as provided in Section 366.093(4), Florida Statutes.

Peoples requests that the information be granted confidential classification:

schedule or report	lines	columns
A-3	11, 15-20	L
	11, 15-20	E-K
	11-20	B

Peoples states that the information described above and contained in Schedule A-3 is entitled to confidential classification because it shows the quantities of gas which Peoples purchased from its suppliers during the month, together with the cost of transportation for such purchases. These rates are not publicly known but are, instead, the result of private negotiations between Peoples and numerous producers and gas marketing companies.

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Purchases are made at varying prices depending on the term of the arrangement, the time of year, the quantities involved, and the nature of the service (firm or interruptible). Peoples contends that the prices at which gas is available to it can vary from producer to producer or marketer to marketer even when non-price terms and conditions of the purchase are not significantly different.

Peoples contends that the information contained in the following matrix is entitled to confidential classification as well:

schedule or report	lines	columns	pages
A-4	1-6	G-H	
Open Access Report	9, 25-32	C and E	
October Invoices	1		4 of 10
	1		5 of 10
	1, 6, 18		6 of 10
	1, 6, 10-11		7 of 10
Accruals Schedules	1 and 9	C	1
	1	C	2-6
September Accruals Reconciliation	1-10	D	1-6
Prior Month Adjustments	1, 3, 5, 6, and 21		1 of 4
	1-11		2 of 4
	1		3 of 4 and 4 of 4

Peoples claims that the information described in the table above is contractual information which, if made public, "would impair the

efforts of the utility to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes. Peoples argues that disclosing the rates at which it purchased gas from its suppliers during this month would give other competing suppliers information with which to potentially or actually control the pricing of gas either by all quoting a particular price equal to or exceeding that which could be deduced by using the information for which confidential treatment is sought, or by adhering to a rate offered by a particular supplier. Peoples argues that such suppliers would be less likely to make any price concessions which they might have previously made, and could simply refuse to sell at a price less than the rates for which confidential classification is sought here. Peoples maintains that the end result is reasonably likely to be increased gas prices, and therefore an increased cost of gas which Peoples must recover from its ratepayers.

Peoples argues that the information contained in the following table is entitled to confidential classification:

Schedule or Report	lines	columns	pages
A-3	11-20	B	
A-4	1-6	A-B	
Open Access Report	9, 25-36	A	
Accruals Schedule	1 and 9		1
	1		2-6
Accruals Reconciliation	1, 3, 5, 7 and 9	A	1-6
Prior Month Adjustments	2-5, 7-9		2 of 4
	1 and 5		3 of 4
	lines 1 and 6		4 of 4

Peoples maintains that the information described in the table above is entitled to confidential classification because publishing the names of suppliers would be detrimental to the interests of Peoples and its ratepayers. Peoples claims that this is because disclosure would provide competitors with a list of prospective suppliers, or permit a third party to interject itself as a middleman between Peoples and the supplier. In either case, Peoples asserts that the end result is reasonably likely to be increased gas prices, and therefore an increased cost of gas which Peoples must recover from its ratepayers.

Peoples requests that the information contained in Schedule A-4 lines 1 through 6, 19, Columns C through F is entitled to confidential classification because this information reveals the specific rates at which the purchases which Peoples seeks to protect were made. Peoples claims that it is also necessary to protect the volumes or amounts of the purchases in order to prevent the use of such information to calculate the rates.

Peoples requests confidential classification for the information contained in its October Invoices at page 4 of 10, lines 1 and 3, page 5 of 10, lines 1 and 3, page 6 of 10, lines 2 through 4, and page 7 of 10, lines 2 through 5 and 7 through 9. Peoples argues that if this information is revealed, it would tend to indicate the identity of the gas supplier for which Peoples has requested confidential treatment.

Peoples requests that the information contained in its October Invoices page 7 of 10, lines 10, 11, and 23 be granted confidential classification. Peoples asserts that the volumes and total costs of the purchases should be granted confidential classification in order to prevent the use of such information to calculate the rates. Peoples contends that the information contained in these lines would, if disclosed, allow a sophisticated member of the public to discover the rates.

Peoples seeks confidential classification for the information in its "Accruals" Schedule at page 1, lines 1, 8 through 9 and 16, columns B and D, pages 2 through 6, lines 1 and 15, columns B and D, and its September Accruals Reconciliation pages 1 through 6, lines 1 through 10, and 93 through 95, columns C and E, because it is the rates at which the purchases were made which Peoples seeks to protect from disclosure. Peoples asserts that it is therefore also necessary to protect the volumes and costs of the purchases in

order to prevent the use of such information to calculate the rates.

Peoples requests confidential classification of the information contained in its invoices for September pages 1 through 5 because of the large amount of proprietary and confidential information contained on these invoices. Peoples seeks confidential classification of these sheets in their entirety to protect two types of information. Peoples seeks protect information pertaining to rates because knowledge of the rates would give other competing suppliers information with which to potentially or actually control the pricing of gas either by all quoting a particular price equal to or exceeding the information for which Peoples seeks confidential treatment, or by adhering to a rate offered by a particular supplier. Peoples argues that a supplier which might have been willing to sell gas at a lower rate would be less likely to make any price concessions. Peoples argues that the end result is reasonably likely to be increased gas prices, and therefore an increased cost of gas which Peoples must recover from its ratepayers. In addition to protection of the rates, Peoples requests confidential treatment of the volumes and total costs of the purchases in order to prevent the use of such information to calculate the rates. Peoples also seeks to protect supplier names because disclosure of supplier names would be detrimental to the interests of Peoples and its ratepayers. Peoples argues that disclosure of supplier names would provide competitors with a list of gas suppliers and would facilitate the intervention of a middleman. Peoples argues that the end result is reasonably likely to be increased gas prices, and therefore an increased cost of gas which Peoples must recover from its ratepayers.

In an effort to protect the names of its suppliers, Peoples has also tried to shield any related information such as addresses, phone and fax numbers, contact persons, logos, etc., that once revealed would tend to indicate the identity of the gas supplier for which Peoples has requested confidential treatment. In this case, Peoples maintains that the format of an invoice alone may indicate to persons knowledgeable in the gas industry which suppliers Peoples is dealing with and the frequency with which it does so.

Peoples requests that information contained in its Prior Month Adjustments page 2 of 4, lines 23 through 24, be granted

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confidential classification because disclosure of volumes and total cost of purchases might be used to calculate the rates.

Peoples requests that the information be granted confidential classification for 18 months from the date of this Order. Peoples requests this amount of time in order to allow it to negotiate future gas purchase contracts without customers, suppliers and competitors having access to information which would adversely affect the ability of Peoples and its affiliates to negotiate future contracts 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 Peoples 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, Peoples' 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 Commissioner Susan F. Clark, as Prehearing Officer, that Document No. 11993-97 is granted confidential classification. It is further

ORDERED that Document No. 11993-97 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.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 20th Day of April, 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.

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

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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.