

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 100003-GU  
ORDER NO. PSC-10-0096-CFO-GU  
ISSUED: February 22, 2010

ORDER GRANTING FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NOS. 08291-07 and 11100-07

Pursuant to Section 366.093, Florida Statutes (F.S.) and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida City Gas (FCG), filed a request for extension of confidential classification for portions of staff's working papers prepared during its Purchased Gas Adjustment (PGA) audit for the year ended December 31, 2006. Order No. PSC-08-0150-CFO-GU, issued on March 12, 2008, granted confidential classification for the documents. FCG has now requested that the period of time for confidential treatment be extended for the information contained in Document Nos. 08291-07 and 11100-07. FCG further requests that the information be returned to FCG as soon as it is no longer necessary for the Commission to conduct its business. Since audit materials of the type contained in these documents must be retained by the Commission for 25 years, the documents cannot be returned to FCG at this time.

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S. 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), F.S., provides that proprietary confidential business information includes:

(d) 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.

FCG asserts that the information for which it seeks continued confidential status consists of specific contractual information, prices, and pricing data concerning its 2006 natural gas purchases. FCG asserts that it has not disclosed such information. FCG contends that the information for which it is requesting renewal of confidential classification is entitled to that classification pursuant to Section 366.093(3)(d), F.S., as proprietary confidential business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair its competitive interests. FCG claims that nothing has changed since the Commission issued its prior confidentiality order. The information is still of current value, and it has not been made public.

FCG requests confidential classification for the following information:

DOCUMENT NUMBER-DATE

01163 FEB 22 09

FPSC-COMMISSION CLERK

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Documents 08291-07 and 11100-07			
43-1	1	Weighted Average Price: lines 1-2;  Sequent Purchase Price Column;  FOM Price Column;  Difference Columns;  Auditor Notes Column;  Auditor's notes: lines 1-2	Sensitive contractual information
43-1	2-3	Weighted Average Price: lines 1-4;  Sequent Purchase Price Column;  FOM Price Column;  Difference Columns	Sensitive contractual information
43-1	4	Weighted Average Price: lines 1-7;  Sequent Purchase Price Column;  FOM Price Column;  Difference Columns	Sensitive contractual information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Documents 08291-07 and 11100-07			
43-1	5-9	Weighted Average Price: lines 1-6;  Sequent Purchase Price Column;  FOM Price Column;  Difference Columns	Sensitive contractual information
43-1	10	Weighted Average Price: lines 1-4;  Sequent Purchase Price Column;  FOM Price Column;  Difference Columns	Sensitive contractual information
43-1	11	Weighted Average Price: lines 1-3;  Sequent Purchase Price Column;  FOM Price Column;  Difference Columns	Sensitive contractual information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Documents 08291-07 and 11100-07			
43-1	12	Weighted Average Price: lines 1-4;  Sequent Purchase Price Column;  FOM Price Column;  Difference Columns	Sensitive contractual information
43-1/1-1	2	Counterparty Column;  Spread Column	Sensitive contractual information
43-1/2	1	1-2	Sensitive contractual information
43-1/2, page 1	1	1	Sensitive contractual information
43-1/2, page 2	1	1-5	Sensitive contractual information
43-1/2, page 3	1	1-14	Sensitive contractual information
43-1/2-1	1	Price Columns;  Amount Columns;  Value Column;  Line 1	Sensitive contractual information
43-1/3	1	1-9	Sensitive contractual information
43-2	1	Weighted Average Price: lines 1-6;  Sequent Purchase Price Column;  FOM Price Column;  Difference Columns	Sensitive contractual information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 08291-07 and 11100-07			
43-4	1	Total Cost Column;  Z-1 Cost Column;  Z-2 Cost Column:  Z-3 Cost Column;  Lines 1-7	Sensitive contractual information

CONCLUSION

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d), F.S. The information contains customer contractual information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair the competitive interests of its customers. Moreover, none of the documentation discussed herein contains any information regarding the compensation of FCG executives.

Section 366.093(4), F.S., limits the duration of confidential classification or the extension of confidential classification to 18 months, unless there is good cause to extend the protection for a specified longer period. I find that confidentiality shall be extended for 18 months. If necessary, FCG may request an additional extension at the appropriate time.

It is therefore,

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 08291-07 and 11100-07 shall be granted an additional 18 months of confidential classification. It is further

ORDERED that pursuant to Rule 25-22.066, F.A.C., and Section 366.093(3), F.S., confidentiality granted to the documents specified herein shall expire 18 months from the date of the issuance of this Order in the absence of a renewed request for confidentiality. 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 Nathan A. Skop, as Prehearing Officer, this 22nd day of February, 2010.



NATHAN A. SKOP  
Commissioner 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.