

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 120003-GU
ORDER NO. PSC-12-0084-CFO-GU
ISSUED: February 24, 2012

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN
INFORMATION OBTAINED IN RESPONSE TO STAFF'S FIRST DATA REQUEST TO
FLORIDA CITY GAS (DOCUMENT NO. 05592-11)

On August 9, 2011, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(4), Florida Administrative Code (F.A.C.), Florida City Gas (FCG) filed a request for confidential classification of certain information contained in FCG's Responses to staff's First Data Requests 1(B) and 1(D), Document No. 05038-11, which is currently held by the Commission's Office of Commission Clerk as confidential pending resolution of FCG's request for confidential classification.

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., Florida's 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), F.S., provides that proprietary confidential business information includes but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (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 confidential status would harm the Company's business operations and ratepayers by impairing FCG's ability to effectively negotiate for goods and services. The information set forth in Document No. 05592-11 includes specific data regarding volumes purchased and prices per decatherm that is competitively sensitive, public disclosure of which would impair FCG's efforts to obtain natural gas on favorable terms. Specifically, FCG requests confidential classification of the information provided in response to staff's first data request number 1.B. requesting the percentage of natural gas hedged by physical hedging in 2010 and the price, term, and supplier of the contracts. FCG also requests confidential classification of the information provided in response to staff's first

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data request number 1.D. requesting the percentage of natural gas hedged by physical hedging in 2011 and the price, term, and supplier of the contracts.

FCG asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed.

Time Period for Confidential Classification

FCG requests confidential classification for the documents for a period of 18 months from the date of the issuance of this Order. According to Section 366.093(4), F.S., confidential classification may only extend for 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period."

Ruling

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 competitive business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms. Therefore, confidential classification for Document No. 05592-11 is granted.

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 information continues to contain proprietary confidential business information.

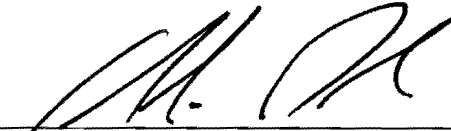
Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Florida City Gas' request for confidential classification of portions of Document No. 05592-11 is granted. It is further

ORDERED that the information in Document No. 05592-11, for which confidential classification has been requested, shall remain protected from disclosure for a period of 18 months from the date of 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 Eduardo E. Balbis, as Prehearing Officer, this 24th day of February, 2012.



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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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.