

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Natural gas conservation cost recovery.

DOCKET NO. 20190004-GU
ORDER NO. PSC-2019-0329-CFO-GU
ISSUED: August 9, 2019

ORDER GRANTING FLORIDA CITY GAS' THIRD
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 04237-2013 AND 04292-2013)

On April 17, 2019, 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 its Request for Extension of Confidential Classification of documents obtained in connection with FCG's Natural Gas Conservation Clause Audit for the year ended December 31, 2012. Specifically, FCG seeks extended confidential classification of Document Nos. 04237-2013 and 04292-2013.

Request for Confidential Classification

FCG's original request for confidential treatment of information was granted by Order No. PSC-2013-0399-CFO-GU, issued on August 29, 2013. Extensions were previously granted by Order No. PSC-2015-0289-CFO-GU, issued July 15, 2015, and by Order No. PSC-2017-0388-CFO-GU, issued October 11, 2017. FCG asserts that all of the information that was the subject of Order No. PSC-2013-0399-CFO-GU warrants continued treatment as proprietary and confidential business information.

FCG contends that Document Nos. 04237-2013 and 04292-2013 contain certain information that constitutes "proprietary confidential business information" entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FCG states that this information is intended to be and is treated by FCG as private and has not been publicly disclosed.

FCG further contends that Document Nos. 04237-2013 and 04292-2013 contain information concerning internal auditing controls and reports on internal auditors and asserts that this information is protected by Section 366.093(3)(b), F.S. Additionally, FCG asserts the documents contain information concerning contractual data, that the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods of services on favorable terms, and that this information is protected by Section 366.093(3)(d) and (e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Commission has found to contain proprietary 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, but is not limited to:

- (b) Internal auditing controls and reports of internal auditors.
- (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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.

Upon review, it appears that the information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information appears to be audit workpapers that contain internal auditing controls and reports of internal auditors, information concerning bids or other contractual data, and information relating to competitive interests. The disclosure of these documents would impair FCG's efforts to contract for goods or services on favorable terms, and would impair the competitive business of the provider of information. Thus, the information identified in Document Nos. 04237-2013 and 04292-2013 shall be granted a continuation of confidential classification.

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 up to 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 records continue to contain proprietary confidential business information.

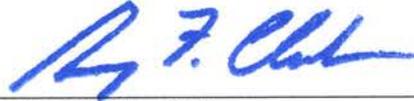
Based on the foregoing, it is hereby

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that Florida City Gas' Request for Extension of Confidential Classification of the information contained in Document Nos. 04237-2013 and 04292-2013 is granted. It is further

ORDERED that the information in Document Nos. 04237-2013 and 04292-2013, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 9th day of August, 2019.



GARY F. CLARK
Commissioner and Prehearing Officer
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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.