

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Purchased Gas) DOCKET NO. 920003-GU
Adjustment (PGA) Clause.) ORDER NO PSC-92-0306-PCO-GU
_____) ISSUED: 5/7/92

ORDER REGARDING PEOPLES' REQUEST FOR
CONFIDENTIAL TREATMENT OF CERTAIN PORTIONS OF ITS
REVISED SCHEDULES A-1/MF-AO

BY THE COMMISSION:

Peoples Gas System, Inc. (Peoples or PGS) filed a request (and an addendum to its request) for confidentiality concerning certain portions of its revised Schedules A-1/MF-AO for the months of May through August 1991. The confidential information is located in Document No. 11467-91. PGS states that this information is intended to be and is treated by the Utility and its affiliates as proprietary confidential business information, and that it has not been publicly disclosed.

There is a presumption in the law of the State of Florida that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." It is this Commission's view that a request for specified confidential classification of documents must meet a very high burden. The Company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set out in Section 366.093, Florida Statutes, or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Peoples seeks confidential classification for the information on line 41 in the columns current month (actual and difference) and in period to date (actual and difference) for Schedule A-1/MF-AO. PGS argues this information is contractual data which, if made public, "would impair the efforts of [Peoples] to contract for goods or service on favorable terms." Section 366.093(3)(d), Florida Statutes. We agree. The information shows the weighted average price Peoples paid its suppliers for the month and period to date indicated. Knowledge of these gas prices could give competitors information which could be used to control the price of gas. This is because these suppliers could all quote a particular price (which would in all likelihood would equal or exceed the price Peoples paid), or these suppliers could adhere to the price offered by Peoples' affiliates. Even though this information is

DOCUMENT NUMBER-DATE

04518 MAY-7 1992

FPSC-RECORDS/REPORTING

ORDER NO. PSC-92-0306-PCO-GU
DOCKET NO. 920003-GU
PAGE 2

the weighted average price, suppliers would most probably refuse to sell gas at prices lower than this average price. Disclosing the weighted average cost could also keep suppliers from making price concessions. The end result of disclosure is reasonably likely to be increased gas prices, which would result in increased rates to Peoples' ratepayers.

Concerning Schedule A-1/MF-AO, Peoples also seeks confidential classification of the information on lines 5 and 25 in the columns current month (actual and difference) and in period to date (actual and difference). PGS argues this information could permit a supplier to determine contractual information which, if made public, "would impair the efforts of [Peoples] to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes. We agree. The total cost figures on Line 5 can be divided by the therms purchased on Line 25 to derive the weighted average cost or price on Line 41. Thus, the publication of the information on Lines 5 and 25 together, or independently, could allow a supplier to derive the purchase price of gas paid by Peoples.

In addition, PGS requests confidentiality for lines 1-4, 6, 8-14, 22-26, 28a-32, 38-42, and 44a-48 for the columns current month (actual and difference) and period to date (actual and difference) on schedule A-1/MF-AO. Peoples argues that disclosure of this information could permit a supplier to determine contractual information which, if made public, "would impair the efforts of [Peoples] to contract for goods or service on favorable terms." Section 366.093(3)(d), Florida Statutes. We agree. The data found in the column Current Month (Actual and Difference), and in the column Period to Date (Actual and Difference), are algebraic functions of the price per therm Peoples paid to its affiliates for gas. The total cost of gas purchased (Line 7), total therms purchased (Line 27), total cost of gas purchased (Line 43), and the PGA factor and true-up, have been disclosed, and these figures could be used in conjunction with the proprietary information to derive Peoples' purchase price.

Peoples requests that the proprietary confidential business information discussed above be treated as confidential until May 18, 1993. We find that the 18 months requested is necessary to allow Peoples and/or its affiliated companies time to negotiate future gas contracts. If this information were declassified at an earlier date, competitors would have access to information which could adversely affect the ability of Peoples and its affiliates to negotiate future contracts on favorable terms. We find that this time period of confidential classification will ultimately protect Peoples and its ratepayers.

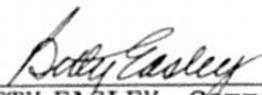
ORDER NO. PSC-92-0306-PCO-GU
DOCKET NO. 920003-GU
PAGE 3

It is, therefore,

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that the proprietary confidential business information discussed above in Document No. 11467-91 shall be afforded confidential treatment. It is further

ORDERED that the proprietary confidential business information discussed above shall be afforded confidential treatment until May 18, 1993.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 7th day of MAY, 1992.


BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

MAB:bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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

ORDER NO. PSC-92-0306-PCO-GU
DOCKET NO. 920003-GU
PAGE 4

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.