

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 040003-GU
ORDER NO. PSC-04-1075-CFO-GU
ISSUED: November 3, 2004

ORDER GRANTING FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF AUDIT WORKPAPERS FOR PORTIONS OF ITS
PURCHASED GAS ADJUSTMENT AUDIT FOR YEAR ENDED
DECEMBER 31, 2003 (DOCUMENT NOS. 05536-04 AND 05962-04)

BY THE COMMISSION:

On May 25, 2004, pursuant to Rules 25-22.006(3)(a)2 and (4), Florida Administrative Code, and Section 366.093, Florida Statutes, Florida Public Utilities Company (FPUC) requested confidential classification for portions of its Purchased Gas Adjustment (PGA) audit for the year ended December 31, 2003, identified as Audit Control No. 04-043-4-2. The information for which FPUC requests confidential treatment is filed with the Commission as Document Nos. 05536-04 and 05962-04.

FPUC requests that the following work papers be granted confidential classification:

WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-4/2-3	1	Col A, 1-9; Col B, 5; Col C-D 5, 17-18; Col E, 10-15; Col F, 5, 10-15; Col G, 7, 9, 10-16	Customer-specific information
41-6/1-1	1	Col A, 1-4; Col B, 6-8, 12-13; Col C, 2-3, 6-8; Col D, 5-11	Customer-specific information

DOCUMENT NUMBER-DATE

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WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-6/1-2	1-12	All	Customer-specific information and usage information
41-6/1-2/1	1-4	All Lines; All hand calculations	Customer-specific information and usage information
41-6/1-2/2	1-5	All	Sensitive information concerning natural gas supplies
41-6/1-3	1-9	All	Customer-specific information and usage information
41-6/1-3/1	1	Col A, 1; Col B-H, All Cols I-J, 32, 63; All hand calculations	Customer-specific information and usage information
41-6/1-3/2	1	Col A-B, 1-2; Col C, 3-4, 11-12; Col D, 3-4, 10; Col E, 3-4, 10-12; Col F-G, 3-4; Col H, 3-9	Customer-specific information, usage information and information concerning natural gas supplies

WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-6/1-3/3	1-2	Col A, 1-3; Col B, 2-3; Col C, 4; Col D, 4, 6-9; Col E-F, 4, 6; Col G, 4-8; Col H, 4, 8-9	Customer-specific information
41-6/1-3/4	1	Col A, 1; Cols B-H, All; Col I-J, 32, 63; All hand calculations	Customer-specific information and usage information
41-6/1-3/5	1	Col A, 1; Col B, 2; Col C, E, 3-4, 11-12; Col D, 3-4, 10; Col F-G, 3-4; Col H, 3-9	Customer-specific information, usage information and information concerning natural gas supplies

WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-6/1-3/6	2	Col A, 1-3; Col B, 2-3; Col C, G, 4; Col D, 4, 7-9; Col E-F, 4, 6; Col H, 4-7; Col I, 4, 8-9	Customer-specific information
41-6/2	1	Cols A, B, D, F, H, J, L, 1-5; Cols C, E, G, I, K, M, 1-8;	Customer-specific information and usage information
41-6/2-1	1	Col A, 1-4; Col B, 6-7, 10-11; Col C, 2-3, 6-8; Col D, 5-9	Customer-specific information
41-6/2-2	1-10	All	Customer-specific information and usage information
41-6/2-2/1	1-4	All	Customer-specific information and usage information
41-6/2-2/2	1-5	All	Information concerning natural gas supplies
41-6/2-3	1-10	All	Customer-specific information and usage information

FPUC seeks confidential classification for invoices containing customer specific information. FPUC also requests confidential classification for other contractual data including information concerning customers, pool managers, accounts, locations, usage, charges, and revenues, the disclosure of which would impair the efforts of FPUC to contract for goods and

services on competitive terms. Section 366.093(3)(d), Florida Statutes. Additionally, FPUC maintains that the contractual information above represents totals paid to gas suppliers and therefore, releasing such information could provide competing gas suppliers with an advantage over FPUC.

FPUC contends that, pursuant to Section 366.093, Florida Statutes, such information is entitled to confidential classification and is exempt from the mandatory disclosure provisions of the public records law. FPUC asserts that the sensitive contractual and competitive information would harm the ratepayers and the business operations of FPUC by disclosing information which would be of value to its competitors. Section 366.093(3)(d), Florida Statutes. FPUC also asserts that the information for which it seeks confidential classification relates "to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Section 366.093(3)(e), Florida Statutes.

CONCLUSION

Upon review it appears that the information discussed above is proprietary, confidential business information and should be given confidential treatment, pursuant to Section 366.093(4), Florida Statutes. The information should be granted confidential classification for a period of eighteen months from the date of the issuance of this Order. Based on the foregoing, FPUC's request for confidential treatment of Document Nos. 05536-04 and 05962-04 is granted.

It is therefore,


ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the information described in Florida Public Utilities Company's request for confidential treatment of certain materials obtained during the purchased gas adjustment audit for the year ended December 31, 2003, Document Nos. 05536-04 and 05962-04, is granted confidential classification. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of 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 Rudolph "Rudy" Bradley, as Prehearing Officer, this
3rd day of November, 2004.



RUDOLPH "RUDY" BRADLEY
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, 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 the Commission Clerk and Administrative Services, 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.