

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 120003-GU
ORDER NO. PSC-14-0519-CFO-GU
ISSUED: September 30, 2014

ORDER GRANTING FLORIDA CITY GAS'S REQUEST FOR EXTENSION OF
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 02604-12)

On April 25, 2012, 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 (Request) of certain information contained in Florida Public Service Commission ("Commission") Order No. PSC-10-0676-CFO-GU, entered in Docket No. 100003-GU on November 12, 2010 (Order) (see Document No. 02604-12).

Request for Confidential Classification

The confidential information contained in the Order was provided to the Commission in connection with FCG's Purchased Gas Adjustment Audit for the year ending December 31, 2009 (Audit No. 10-007-4-1), filed with the Commission in Docket No. 100003-GU (Document Nos. 06132-10 and 06867-10)

FCG contends that the designated portions of the information contained in the Order constitute proprietary confidential business information entitled to continued protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FCG avows that this information is intended to be and continues to be treated by FCG as private and has not been publicly disclosed.

As detailed in its Request, which FCG has incorporated by reference, the confidential information consists of audit workpapers that contain proprietary data, including specific contractual information, contract terms and conditions, prices, and pricing data. These terms and data, if disclosed, would impair the efforts of FCG to contract for goods and services on favorable terms in the future.

FCG's Request for Extension incorporates by reference and adopts the arguments propounded in its original request. FCG asserts that the period of confidential treatment of the above-numbered documents is due to expire soon. FCG contends that the information deemed confidential warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), F.S. FCG further asserts that the confidential information is intended to be and has been treated by FCG as private and its confidential nature has been maintained. FCG also asserts that the disclosure of the information would cause harm to FCG and its customers. Finally, FCG contends that nothing has changed since the filing of the original requests to render the information stale or public, such that continued confidential treatment would not be appropriate.

Ruling

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 that has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides, in pertinent part, that proprietary confidential business information includes, but is not limited to:

- (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.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for continued classification as proprietary confidential business information and "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;" Thus, the information identified in Document No. 02604-12 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 five (5) years from the date of issuance of this Order. At the conclusion of the five year 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 Eduardo E. Balbis, as Prehearing Officer, that Florida City Gas's Request for Extension of Confidential Classification of the information described in Document No. 02604-12 is granted. It is further

ORDERED that the information described in Document No. 02604-12 for which confidential classification has been granted shall remain protected from disclosure for a period of up to five (5) years 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.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 30th day of September, 2014.



EDUARDO E. BALBIS

Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

MTL

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.