

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Purchased Gas Adjustment) DOCKET NO. 930003-GU
(PGA) Clause.) ORDER NO. PSC-93-1154-CFO-GU
_____) ISSUED: August 10, 1993

ORDER ON CONFIDENTIALITY

After the Commission staff (staff) completed its audit of Chesapeake Utilities Corporation, Florida Division ("Chesapeake") for the period October 1, 1991 through September 30, 1992, staff filed its workpapers associated with the audit (DN 13636-92). These workpapers included copies of Chesapeake's purchased gas adjustment filings for the months of November 1991 through September 1992. On January 15, 1993, Chesapeake filed a request for confidential treatment concerning portions of these workpapers.

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 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 exemptions set out in Section 366.093, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the company or its ratepayers harm.

Chesapeake states that the material for which confidential classification is sought is intended to be and is treated by Chesapeake as proprietary and has not been publicly disclosed. In addition, the Commission has already issued orders concerning the confidentiality of this information. Chesapeake has requested specified confidential treatment for the following filings on which the Commission has already made rulings:

<u>Period</u>	<u>Document No.</u>	<u>Order No.</u>
4/1/92- 9/30/92	178-92	PSC-92-0312-PCO-GU, issued 5/7/92
11/91	12572-91	PSC-92-0754-CFO-GU, issued 8/6/92
12/91	751-92	PSC-92-0753-CFO-GU, issued 8/6/92

DOCUMENT NUMBER-DATE

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FILED RECORDS SECTION

<u>Period</u>	<u>Document No.</u>	<u>Order No.</u>
1/92	1991-92	PSC-92-0755-CFO-GU, issued 8/6/92
2/92	2840-92	PSC-92-0756-CFO-GU, issued 8/6/92
3/92	3867-92	PSC-92-0757-CFO-GU, issued 8/6/92
4/92	5103-92	PSC-92-0758-CFO-GU, issued 8/6/92
5/92	6504-92	PSC-93-0038-CFO-GU, issued 1/8/93
10/92- 3/93	7288-92	PSC-93-0264-CFO-GU, issued 2/22/93
6/92	8402-92	PSC-93-0050-CFO-GU, issued 1/13/93
7/92	9449-92	PSC-93-0252-CFO-GU, issued 2/16/93
8/92	11154-92	PSC-93-0625-CFO-GU, issued 4/22/93
9/92	12551-92	PSC-93-0626-CFO-GU, issued 4/22/93
10/92	13989-92	PSC-93-0627-CFO-GU, issued 4/22/93
11/92	15007-92	PSC-93-0628-CFO-GU, issued 4/22/93
4/93- 9/93	149-93	PSC-93-1050-CFO-GU, issued 7/19/93


Because the Commission has already ruled on the confidentiality of these filings, the rulings made in the orders listed above shall apply to the audit workpapers filed by staff since the filings are identical and the rulings made in these orders would be the same rulings I would make today. Therefore, for the reasons discussed in the above orders, I find the same information in staff's audit workpapers to be proprietary confidential business information, pursuant to Section 366.093, Florida Statutes. The declassification dates found in the orders listed above shall also apply to staff's audit workpapers.

It is, therefore,

ORDERED by the Florida Public Service Commission that the rulings listed above for Chesapeake Utilities Corporation, Florida Division, for its purchased gas adjustment filings for the months November 1991 through September 1992 shall apply to the Commission staff's audit workpapers for the period October 1, 1991 through September 30, 1992 (DN-13636-92). It is further

ORDERED that the rulings made on declassification in the above listed orders shall also apply to staff's audit workpapers.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 10th day of August, 1993.


J. TERRY DEASON, Chairman
and Prehearing Officer

(S E A L)

MAH

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

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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 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.