

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Purchased Gas Adjustment) DOCKET NO. 940003-GU
(PGA) Clause.) ORDER NO. PSC-94-0556-CFO-GU
_____) ISSUED: May 11, 1994

ORDER REGARDING FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR
CONFIDENTIALITY OF PORTIONS OF SCHEDULE A-7P

Florida Public Utilities Company (FPU) filed a request for confidentiality concerning certain portions of its Schedule A-7P in this docket. The confidential information is located in Document No. 12319-93. FPU states that this information is intended to be and is treated by the Utility and its suppliers as proprietary, and that it has not been publicly disclosed.

Florida law presumes 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.

For the purposes of this filing, we have required FPU to show the quantities and cost of gas it will purchase from FGT during the period April 1993 through September 1993. FGT's purchased gas adjustment is subject to FERC review, and FPU's future cost estimates will have no effect on FGT's adjustment level during the future period. On the other hand, purchases made from persons other than FGT are currently based primarily on negotiations between FPU and numerous producers and gas marketing companies. Since "open access" became effective on the FGT system on August 1, 1990, gas supplies were available for FPU's non-FGT purchases, from other suppliers. The prices paid by FPU vary, depending on the length of the purchasing period, the season or seasons that the purchases will be made, the quantities involved, and whether the purchase will be made on a firm or interruptible basis. Gas prices can vary from producer-to-producer or marketer-to-marketer, even when non-price terms and conditions are not significantly different.

DOCUMENT NUMBER-DATE

04556 MAY 11 94

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0556-CFO-GU
DOCKET NO. 940003-GU
PAGE 2

FPU argues that the information in lines 1-18 on columns Purchased From System Supply, Total Purchased, Commodity Cost/Third Party, Other Charge ACA/GRI/Fuel, Total Cents Per Therms in Schedule A-7P is contractual, the disclosure of which "would impair the efforts of [FPU] to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes. I agree. The information shows the fuel cost FPU paid to its suppliers for gas for the period April 1993 through September 1993. This information also concerns volumes purchased, the release of which could provide competing gas suppliers with an advantage over FPU. Knowledge of these data would give competing suppliers information with which to potentially or actually control the pricing of gas by enabling the competitors to all quote a particular price (which would in all likelihood equal or exceed the price FPU has paid or has projected it will pay). price less than the weighted average cost. Supplier would probably be less likely to make any price concessions. The end result is reasonably likely to be increased gas prices, and therefore an increased cost of gas which FPU must recover from its ratepayers.

FPU requests that the proprietary information discussed above be treated as confidential until May 13, 1995. I find that the 18 months requested is necessary to allow FPU 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 FPU and its affiliates to negotiate future contracts on favorable terms. I find that this time period of confidential classification will ultimately protect FPU and its ratepayers.

It is, therefore,

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that the proprietary confidential business information discussed above in Document No. 12319-93 shall be afforded confidential treatment. It is further

ORDERED that the proprietary confidential business information discussed above shall be afforded confidential treatment until May 13, 1995.

ORDER NO. PSC-94-0556-CFO-GU
DOCKET NO. 940003-GU
PAGE 3

By ORDER of Chairman J. Terry Deason, as Prehearing Officer,
this 11th day of May, 1994.



J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)
MRC: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 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.