

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Purchased Gas Adjustment ) DOCKET NO. 940003-GU  
 (PGA) Clause. ) ORDER NO. PSC-94-0736-CFO-GU  
 ) ISSUED: June 15, 1994

ORDER GRANTING REQUEST OF FLORIDA PUBLIC UTILITIES  
COMPANY'S SPECIFIED CONFIDENTIAL TREATMENT

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Florida Public Utilities Company (FPU) requested specified confidential treatment for certain materials obtained as part of the staff audit of the PGA cost recovery factor which was given Document No. 01001-94 and included three attachments. FPU also requested confidential treatment for Document No. 13687-93 which is the staff workpapers.

FPU's request includes two rationales for the various information requested to remain confidential. FPU states that the information represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company. FPU also states that these prices vary based on the operational flexibility of each contract. FPU states that this information is the same as that provided in the monthly PGA filings with the Commission so the utility's argument is also the same. This Commission has previously granted confidentiality for this type of information (see PSC-93-0830-CFO-GU, issued June 3, 1993). The table below identifies each of the pages for which the company has requested continued confidential classification and whether the request should be granted or denied. A finding to grant the utility's request should be interpreted to mean that the company justification properly described the material and how that material met the requirements of the referenced statute.

Workpaper No.	Company Page #	Lines/Columns	Findings
43-1/1	1	25-62/O-S	Granted
43-2/1	2	25-62/O-S	Granted
43-3/1	3	28-62/O	Granted
43-2/1-1	4	54-66/AC&AF	Granted
43-3/1-2	5	260-270/AC&AF	Granted
43-3/1-2	5	271-281/AF	Granted
43-3/1-1	6	25-62/BA-BF	Granted
43-3/1-1	6	25-62/BP-BU	Granted

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The petitioners request that the proprietary information discussed above be treated as confidential for a period 18 months from the date of this Order. According to FPU, the period requested is necessary to allow petitioners time to negotiate future gas contracts. If this information were declassified at an earlier date, competitors would have accessed information which could adversely effect the ability of the petitioners to negotiate future contracts on favorable terms. It is noted that this time period of confidentiality classification will ultimately protect the petitioners and FPU's ratepayers.

In consideration of the foregoing, it is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Florida Public Utilities Company's request for specified confidential treatment of certain portions of and Staff's Audit Workpapers and FPU's Response to the Audit, identified in this docket as Documents Nos. 01001-94 and 13687-93 is granted. It is further

ORDERED that the proprietary confidential business information discussed above shall be afforded confidential treatment for a period of 18 months from the date of this Order.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 15th day of June, 1994.

  
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SUSAN F. CLARK, Commissioner and  
Prehearing Officer

( S E A L )  
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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.