

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Purchased Gas Adjustment) DOCKET NO. 950003-GU
Cost Recovery) ORDER NO. PSC-95-0385-CFO-GU
_____) ISSUED: March 21, 1995

ORDER ON FLORIDA PUBLIC UTILITIES REQUEST FOR CONFIDENTIAL
TREATMENT OF PORTIONS OF AUDIT WORKPAPERS

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Florida Public Utilities Company (FPUC) has requested specified confidential treatment of portions of the Commission Staff's Audit Work Papers pertaining to the Commission Staff's PGA Audit for the six-months ended March 1994 and September 1994 (Document Nos. 12764-94 and 00094-95, as well as amending Documents Nos. 02575-95 and 2115-95). FPUC notes that the information contained in this filing is the same information found in FPUC's prior PGA filings that has already been granted confidentiality in prior orders.

Other workpapers for which FPUC seeks confidential treatment contain information representing the negotiated gas supply packages purchased from suppliers, excepting Florida Gas Transmission Company. The prices vary based on the flexibility of each contract. These workpapers contain the names of FPUC's suppliers, as well as information concerning volumes purchased and costs by gas supply source. Release of such information would allow FPUC's competitors to gain advantage over FPUC and could make FPUC's suppliers less likely to make price concessions. The release of such information could, potentially, result in higher gas prices for FPUC's customers. As such, FPUC considers this contractual information which, if made public, "would impair the efforts of [Florida Public Utilities Company] to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes.

FPUC also argues that it is necessary to keep all natural gas supply invoices and related transactions confidential, again, excepting those relating to Florida Gas Transmission Company. FPUC argues that the identity of suppliers can be derived from the supplier's invoice numbering system. The release of this information would provide FPUC's competitors with a list of FPUC's suppliers, which could make FPUC's suppliers less likely to make price concessions. As such, the release of this information could also result in higher gas prices for FPUC's customers. FPUC also considers this contractual information which, if made public, "would impair the efforts of [Florida Public Utilities Company] to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes.

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In addition, FPUC argues that it is necessary to keep the identity of Off Systems Sales customers confidential because of the competitiveness of the market. FPUC argues that the release of this information would also be detrimental to FPUC's efforts to contract for goods and services, and should be granted confidential treatment pursuant to Section 366.093(3)(d), Florida Statutes.

FPUC asserts that it treats this information as proprietary, and that this information has not been publicly disclosed. FPUC again notes that much of this information is the same information presented in FPUC's monthly PGA filings, and that it has previously been granted confidential treatment by the Commission.

The specific audit workpaper numbers and lines relating to the documents for which petitioner has requested confidential treatment, together with my findings, are listed in the table which follows:

AUDIT WORKPAPERS

WORKPAPER NO.	PAGES/ LINES/COLUMNS	FINDINGS
Schedule A-3 (Transportation Purchases)	2-2 P 10 / 1-13 in Purchased From, System Supply, End Use, Total Purchased, Commodity Cost Third Party, Other Charges, and Total Cents Per Therm	GRANTED
Workpapers Titled: Gas Cost (43P4)	Segment 3a, 3b, 3c, 3d, and 3e	GRANTED
Information for Accounting (43-1/1)	Lines 3-8, 10-13 Columns D & E, and 19 in Column D	GRANTED
(43-2/1)	Line 3 in Columns D & E	GRANTED
43-3/1	Lines 3-17 of Column D	GRANTED
FLORIDA GAS TRANSMISSION INVOICE (43-1/1-1 P 3)	Line 9 of Columns B & C	GRANTED

Schedule A-3 (Transportation Purchases)	2-2 P 10 / 1-13 in Purchased From, System Supply, End Use, Total Purchased, Commodity Cost Third Party, Other Charges, and Total Cents Per Therm	GRANTED
Workpapers Titled: Gas Cost (43P4)	Segment 3a, 3b, 3c, 3d, and 3e	GRANTED
Information for Accounting (43-1/1)	Lines 3-8, 10-13 Columns D & E, and 19 in Column D	GRANTED
43-3/1-1 P 3	Line 8 of Columns B & C	GRANTED
GAS INVOICES AND RELATED TRANSACTIONS & ALLOCATIONS (43- 1/1-1 P 6-10)	Lines 1 - 80 in all Columns	GRANTED
43-1/1-2	Lines 8 - 11, 30 - 33 in Columns C - K	GRANTED
43-2/1-1 p 4-7	Lines 1 - 80 of all Columns	GRANTED
43-2/1-2	Lines 8 - 10, 30 - 32 of Columns C - K	GRANTED
43-3/1-1 P6 - 12	Lines 1 - 80 of all Columns	GRANTED

FPUC requests that the proprietary information discussed herein be treated as confidential for a period of 18 months from the date of the issuance of this order, as provided by Section 366.093(4), Florida Statutes. FPUC argues that this period is necessary to allow it time to negotiate future purchase contracts with its suppliers/competitors. If this information were disclosed at an earlier date, competitors would have access to information which could adversely effect the ability of the utility to negotiate future contracts on favorable terms. It should be noted that this time period of confidentiality classification will ultimately protect the petitioner and its ratepayers.

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Based on the foregoing, it is therefore

ORDERED that Florida Public Utilities Company request for specified confidential treatment of Staff's Audit Workpapers, identified in this docket as Documents Nos. 00094-95 and 12764-94, is granted. 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 in the absence of a renewed request for confidentiality pursuant to Section 366.093. 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 J. Terry Deason, as Prehearing Officer, this 21st day of March, 1995.



J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

BC

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.