

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 980003-GU
ORDER NO. PSC-98-0544-CFO-GU
ISSUED: April 20, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF
FLORIDA PUBLIC UTILITIES COMPANY'S NOVEMBER, 1997, PGA FILINGS
(DOCUMENT NO. 13098-97)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(4), Florida Administrative Code, Florida Public Utilities Company (FPUC) requests confidential classification of portions of its purchased gas adjustment (PGA) filing for the month of November, 1997. FPUC asserts that the information for which it requests confidential classification is confidential proprietary information the disclosure of which would harm FPUC or its ratepayers. FPUC also maintains that this information is intended to be and is treated by FPUC as proprietary and confidential. Similar information has previously been granted confidential classification in Order No. PSC-96-0532-CFO-GU issued in Docket No. 960003-GU on April 15, 1996. FPUC requests that this information be granted confidential treatment for a period of 18 months from the date of the issuance of this Order. FPUC alleges that this time is necessary to allow FPUC to negotiate future gas purchase contracts on favorable terms.

FPUC requests that the information contained in Schedules A-1 "Supporting Detail," page 4A, lines 9-16, Columns "vendor," "invoice, credit, check, or identifying number," "invoice amount," "classification breakdown," be granted confidential classification because the information contained within these columns represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company. FPUC contends that these prices vary based on the operational flexibility of each contract. FPUC maintains that these data contain the names of gas suppliers from whom FPUC is purchasing gas supplies. FPUC contends that the release of supplier names would be detrimental to the interests of FPUC and its customers because it would provide a competitor with a list of FPUC's suppliers. FPUC maintains that these data also contain information concerning volumes purchased and costs by gas supply source. FPUC asserts that ultimately, releasing such information could provide competing gas suppliers with an advantage over FPUC. FPUC envisions a resulting scenario wherein suppliers

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may be less likely to make price concessions. FPUC, therefore asserts that release of such information has the potential to lead to inflated price fixing by gas supplies. FPUC alleges that potentially, release of the aforementioned information may result in higher gas costs which would have to be passed along to FPUC's customers. FPUC maintains that this information is contractual information which, if made public, "would impair the efforts of the utility to contact for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes. FPUC also asserts that this information was provided to Commission staff at staff's request and is not part of the routine PGA filing.

FPUC also requests confidential classification for its Schedule A-3, page 6, lines 1-72, columns "purchased from," "system supply," "end use," "total purchased," "commodity cost/third party," "other charge ACA/GRI/Fuel," "total cents per therm" because the information contained within these columns represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company. These prices vary based on the operational flexibility of each contract. This information contains the names of gas suppliers from whom FPUC is purchasing gas supplies. FPUC asserts that the release of supplier names would be detrimental to the interests of FPUC and its customers because it would provide a competitor with a list of FPUC's suppliers. This information also contains information concerning volumes purchased and costs by gas supply source. FPUC maintains that releasing such information could provide competing gas suppliers with an advantage over FPUC. FPUC contends that suppliers may be less likely to make price concessions. FPUC contends that release of such information has the potential to lead to inflated price fixing by gas supplies. FPUC asserts that, potentially, release of the aforementioned information may result in higher gas costs which would have to be passed along to FPUC's customers. FPUC maintains that this information is contractual information which, if made public, "would impair the efforts of the utility to contact for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes. Additionally, FPUC asserts that the information contained in column "other charge ACA/GRI/Fuel" is a function of the cost of gas paid by FPUC to its gas suppliers. Release of such information would enable a third party to compute FPUC's cost of gas by supplier. FPUC asserts that this information is contractual information which, if made public, "would impair the efforts of the utility to contact for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes.

FPUC requests confidential classification for its Schedule A-4, page 7, lines 1-27, columns "producer name," "receipt point," "gross amount," "net amount," "monthly gross," "monthly net," "wellhead price," "citygate price" because the information contained within these columns represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company. These prices vary based on the operational flexibility of each contract. This information contain the names of gas suppliers from whom FPUC is purchasing gas supplies. FPUC argues that the release of supplier names would be detrimental to the interests of FPUC and its customers because it would provide a competitor with a list of FPUC's suppliers. This information also contains data concerning volumes purchased and costs by gas supply source. FPUC maintains that releasing such information could provide competing gas suppliers with an advantage over FPUC. Ultimately, FPUC contends that suppliers may be less likely to make price concessions. Therefore, FPUC asserts that the release of such information has the potential to lead to inflated price fixing by gas supplies. FPUC maintains that, potentially, release of the aforementioned information may result in higher gas costs which would have to be passed along to FPUC's customers. FPUC asserts that this information is contractual information which, if made public, "would impair the efforts of the utility to contact for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes. Additionally, FPUC asserts that the column "citygate price" is a function of the cost of gas paid by FPUC to its gas suppliers. FPUC maintains that release of such information would enable a third party to compute FPUC's cost of gas by supplier. FPUC characterizes this information as contractual information which, if made public, "would impair the efforts of the utility to contact for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes.

FPUC maintains that its gas invoices pages 18-23, lines 1-80, all columns, are entitled to confidential classification. FPUC alleges that the release of any or all of the information contained in these pages and lines would be detrimental to the interests of FPUC and its customers because it would provide a competitor with a list of FPUC's suppliers. FPUC asserts that releasing such information could provide competing gas suppliers with an advantage over FPUC. FPUC maintains that suppliers may be less likely to make price concessions. FPUC asserts that the release of such information has the potential to lead to inflated price fixing by gas suppliers. FPUC contends that, potentially, release of the aforementioned information may result in higher gas costs which

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would have to be passed along to FPUC's customers. Furthermore, FPUC contends, it is contractually obligated to keep confidential all material terms of its gas supply agreements and transactions between its gas suppliers and the Company. FPUC maintains that each gas invoice represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company. FPUC asserts that these prices vary based upon the operational flexibility of each contract.

Upon review, the information for which FPUC requests confidential classification appears to be information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms. The information appears to relate to competitive interests, the disclosure of which would impair the competitive business of the provider of information. The information is, therefore, entitled to confidential classification under Section 366.093(3), Florida Statutes. As provided by Section 366.093(4), Florida Statutes, the information shall be held confidential for a period of eighteen months from the date of the issuance of this Order.

It is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the information described above and contained in Document No. 13098-97, is granted confidential classification. It is further

ORDERED that the information described above and contained in Document No. 13098-97 is granted confidential classification for a period of eighteen months from the date of the issuance of this Order. It is further

ORDERED that this Order will be the only notification to the parties of the date of declassification of Document No. 13098-97.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 20th Day of April, 1998.



SUSAN F. CLARK
Commissioner and Prehearing Officer

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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.

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,

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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.