

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 980003-GU  
ORDER NO. PSC-98-0631-CFO-GU  
ISSUED: May 6, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF  
FLORIDA PUBLIC UTILITIES' STAFF AUDIT WORKPAPERS AND PURCHASED  
GAS ADJUSTMENT FOR THE 12 MONTHS ENDING SEPTEMBER 30, 1996  
(DOCUMENT NOS. 13292-96 AND 03669-97)

On December 13, 1996, staff filed Document No. 13292-96 consisting of certain staff working papers prepared during the audit of Florida Public Utilities' (FPU) Purchased Gas Adjustment (PGA) for the 12 months ended September 30, 1996. When an audit exit conference was held with the utility on December 6, 1996, the utility requested that these documents be temporarily excepted from public access in accordance with the provisions of Rule 25-22.066(3)(a)(2), Florida Administrative Code.

By memorandum dated January 21, 1997, staff recommended that the Division of Records and Reporting declassify the audit workpapers and return them to the Auditing and Financial Analysis Division because the utility had not filed a request for confidential classification within 21 days from the audit exit conference. Subsequent to the December 6, 1996 audit exit conference, it became apparent that the utility did not receive copies of these workpapers. The utility should have received copies of the documents in question at the December 6, 1996 audit exit conference.

Staff mailed copies of the documents in question to the utility on March 25, 1997. For the purposes of this request for confidential classification, March 25, 1997, should be considered the date of the audit exit conference.

On April 9, 1997, the utility filed a request pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(4), Florida Administrative Code, that certain portions of the staff workpapers obtained during the PGA audit receive confidential classification. The utility's filing included edited documents for public inspection (Document No. 03668-97) and highlighted documents specifying confidential material (Document No. 03669-97). FPU claims that the audit workpapers and the PGA true-up contain confidential information which, if disclosed, could tend to harm the company or its ratepayers. FPU also contends that information

DOCUMENT NUMBER-DATE

05060 MAY-6 88

FPS-RECORDS/REPORTING

contained in the workpapers and PGA audit is proprietary contractual information which, should it be made public, would impair the efforts of FPU to contract for goods or services on favorable terms.

ANALYSIS OF REQUEST FOR CONFIDENTIAL CLASSIFICATION

FPU seeks confidential classification for the portions of document 43-1/1, page 1, lines 30-37 and 56-63, columns A, C, and D; 43-1/1, page 2, lines 31-36 and 52-61, columns A, C and D; 43-1/1, page 3, lines 30-36, 52-59, columns A, C, and D; 43-1/2, page 1, lines 29-32 and 49-57; 43-1/2, page 2, lines 30-36 and 52-61, columns A, C and D; 43-1/2, page 3, lines 30-36 and 52-54, columns A, C and D. FPU asserts that these lines and columns contain either the gas supplier's name, information regarding totals paid, or gas imbalances traded. According to FPU, this information should be granted confidential classification. If this information were disclosed, FPU asserts that it would be detrimental to the interests of FPU and its customers because competitors would be provided with a list of FPU supplier's names. For that portion of this page containing information regarding totals paid to gas suppliers, FPU asserts that releasing this information could provide competing gas suppliers with an advantage over FPU. Suppliers may be less likely to make price concessions. Releasing this information, according to FPU, has the potential to lead to inflated price fixing by gas suppliers. FPU maintains that the release of this information may result in higher gas costs which would have to be passed along to FPU's customers.

As for the information concerning imbalances traded, FPU asserts that it trades imbalances as an alternative to the cash out program of the Federally regulated gas pipeline utility, the Florida Gas Transmission Company. FPU asserts that transactions of imbalances are with other pipeline customers. For competitive purposes, FPU contends that it must be assured no other pipeline customer will be able to ascertain the parties involved in this transaction with FPU nor the prices of the components of such transactions, nor the quantities involved in them. Otherwise, future transactions of this type may be put at undue risk. This information is contractual information which, if made public, would impair the efforts of FPU to contract for good or services on favorable terms.

ORDER NO. PSC-98-0631-CFO-GU  
DOCKET NO. 980003-GU  
PAGE 3

REQUESTED DATE(S) OF DECLASSIFICATION

FPU requests that the information discussed herein be granted confidential classification for "at least 18 months." This is the length of time allowed by Section 366.093(4), Florida Statutes. If by requesting the period be "at least 18 months" the utility wishes to request confidential treatment for longer than 18 months, it must specify a longer period and show good cause. Here, FPU has not specifically requested a longer confidential period nor has it alleged good cause for granting a longer period. The utility may request an extension of the statutory confidential period for this material in the future if it can show good cause.

CONCLUSION

Upon review, it appears that the information contained in Document Nos. 13292-96 and 03669-97 is confidential proprietary information the disclosure of which would impair FPU's ability to contract for goods and services on favorable terms. The information for which confidential classification is sought shall be granted confidential treatment for a period of 18 months in accord with Section 366.093(4), Florida Statutes.

Based upon the foregoing, it is therefore

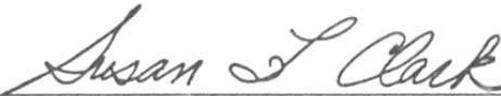
ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the information contained in Document Nos. 13292-96 and 03669-97 and discussed above be granted confidential classification. It is further

ORDERED that this material will be granted confidential classification for a period of 18 months from the date of this order. 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.

ORDER NO. PSC-98-0631-CFO-GU  
DOCKET NO. 980003-GU  
PAGE 4

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 6th Day of May, 1998.

  
\_\_\_\_\_  
SUSAN F. CLARK  
Commissioner and Prehearing Officer

( S E A L )

GAJ

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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

ORDER NO. PSC-98-0631-CFO-GU  
DOCKET NO. 980003-GU  
PAGE 5

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.