

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Purchased Gas Adjustment
(PGA) true-up.

DOCKET NO. 980003-GU
ORDER NO. PSC-98-1026-CFO-GU
ISSUED: July 28, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO PORTIONS OF TAMPA
ELECTRIC COMPANY, D/B/A PEOPLES GAS SYSTEM'S PURCHASED GAS
ADJUSTMENT FOR May 1998 (DOCUMENT NO. 06560-98)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Tampa Electric Company D/B/A Peoples Gas System (Peoples) requests confidential classification for portions of its May, 1998, Purchased Gas Adjustment (PGA). Peoples asserts that the information for which it seeks confidential classification is confidential and is treated as such by Peoples. Peoples claims that this information has not been publicly disclosed. Peoples requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order. Peoples asserts that this period is necessary to allow Peoples to negotiate future gas purchase contracts without their suppliers and competitors or other customers having access to information. Peoples asserts that such access would adversely affect the ability of Peoples and its affiliates to negotiate future contracts on favorable terms.

Specifically, Peoples requests that the following information be granted confidential classification:

TABLE 1: CONTRACTUAL AND BID INFORMATION

SCHEDULE	LINES	COLUMNS/ RATIONALE
A-3	13, 17-24	L, E-K
	13-26	B
A-4	1-13, 20	G-H
	1-13	A-B

DOCUMENT NUMBER-DATE

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SCHEDULE	LINES	COLUMNS/ RATIONALE
OPEN ACCESS REPORT	9, 26-34, 39-41	C and E
	9-10, 26-34, 37-43	A
May INVOICES PP. 5/11, p. 11/11	1 1, 6, 18	SUPPLIER/CUSTOMER
P. 5/11 P. 11/11	2-8 2-4, 18	SUPPLIER/CUSTOMER FACTS: Fonts, logos, etc.
P. 5/11	9-10	RATE
P. 5/11	9-10, 23	THERMS/AMOUNTS
ACCRUALS P. 3, 5, 6, 7, 8, 9	1	C/RATE AND A/SUPPLIER
PP. 2	1, 9	C/RATE AND A/SUPPLIER
PP. 1	1-2	C/RATE AND A/SUPPLIER
ACCRUALS P. 1, 3, 5, 6, 7, 8, 9	1, 15	B & D/ THERM/ACRD
PP. 2	1, 8-9, 16	B & D/THERM/ACRD
MARCH ACC. RECON. PP. 1-5	1-22	D/RATE
MARCH ACC. RECON. PP. 1-5	1-22, 93-95	C and E (THERM/DOLLAR)
MARCH ACC. RECON. PP. 1-5	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21	A/SUPPLIER
APRIL INVOICES P. 1-8, 10-13	ENTIRE SHEET	RATES/SUPPLIER NAMES
APRIL PIPELINE INVOICES P. 6/6	1, 3, 6, 19-20, 22	SUPPLIER/CUSTOMER NAMES

SCHEDULE	LINES	COLUMNS/ RATIONALE
APRIL PIPELINE INVOICES P. 6/6	5	SUPPLIER/CUSTOMER FACTS: Fonts, logos, etc.
APRIL PIPELINE INVOICES P. 6/6	18	RATE
APRIL PIPELINE INVOICES P. 6/6	18, 25	THERMS/AMOUNTS
PRIOR MONTH ADJUSTMENTS P. 1/1	1	SUPPLIER NAMES
PP. 1/1	2-8	SUPPLIER FACTS: Fonts, logos, etc.
PP. 1/1	9-10	RATE
P. 1/3	9-10, 25-26	THERMS/AMOUNTS
CASHOUT/ BOOKOUTS PP. 3/5	5	TRADING PRICE
PP. 3/5	5-6	AMOUNTS DUE
PP. 3/5	1	TRADING PARTNER
P. 3/5	2-4	TRADING PARTNER FACTS: Fonts, logos, etc.

Peoples asserts that the above information is contractual information relating to quantities of gas purchased from suppliers, transportation costs, algebraic functions of these items, rates at which Peoples purchased gas from suppliers, both the volume and the cost of the volume of gas purchased, and supplier information. Peoples maintains that this information, if it is made public, "would impair the efforts of the public utility or its affiliates to contract for goods and services on favorable terms." Section 366.093(3)(d), Florida Statutes. Peoples contends that disclosure of the rates, supplier names, volumes, prices and algebraic

functions of these items would give other competing suppliers information with which to potentially or actually control the pricing of gas. Peoples asserts that they could do this by either by all quoting the price shown here, or by all adhering to a rate offered by a particular supplier. Peoples maintains that such suppliers would be less likely to make concessions which they might have previously made, and could simply refuse to sell at a price less than the rates Peoples seeks to keep confidential. Peoples believes that the end result of disclosure is reasonably likely to be increased gas prices, and therefore and increased cost of gas which Peoples must recover from its ratepayers.

Peoples foresees the same result if its cashout and bookout transactions are disclosed. Peoples argues that disclosure of the bookout price per therm would give other Florida Gas Transportation (FGT) customers information with which to potentially or actually control the pricing of booked out imbalances either by all quoting a particular price or by adhering to a price offered to a particular FGT customer in the past. Either way, Peoples asserts that an FGT customer which might have been willing to trade imbalances at a price per therm more favorable to Peoples than the price reflected in this portion of the filing, would likely refuse to do so.

Peoples asserts that disclosure of either customer or supplier names or facts would be detrimental in much the same way as disclosure of cashout and bookout information because it would provide competitors with a list of prospective customers or suppliers. Peoples contends that a third party could use such information to interject itself as a middleman between Peoples and the customer or supplier. In either case, Peoples predicts that the end result is reasonably likely to be increased gas prices, and therefore an increased cost of gas which Peoples must recover from its ratepayers.

Upon review, this information appears to disclose rates, customers, suppliers, volumes, trading partners and amounts traded. Because of its sensitive nature, it appears that the information described in the body of this Order is proprietary, confidential business information relating to bids and contracts, "the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods and services on favorable terms." Section 366.093(3), Florida Statutes. Therefore, Peoples's request is granted. Pursuant to Section 366.093(4), Florida Statutes, this information shall be granted confidential

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classification for a period of 18 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 in the body of this Order and contained in Document No. 06560-98 is granted confidential classification. It is further

ORDERED that the information described in the body of this Order and contained in Document No. 06560-98 is granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order will be the only notice by the Commission to the parties of the declassification date of this document.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 28th Day of July, 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

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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.