

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 000003-GU
ORDER NO. PSC-00-0494-CFO-GU
ISSUED: March 7, 2000

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO PORTIONS OF FLORIDA
PUBLIC UTILITIES COMPANY'S PURCHASED GAS ADJUSTMENT FOR AUGUST,
1999 (DOCUMENT NO. 11264-99)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Florida Public Utilities Company (FPU) requests confidential classification for portions of its August, 1999, Purchased Gas Adjustment (PGA). FPU asserts that the information and material is intended to be and is treated by FPU as proprietary and confidential. FPU states that the Commission has previously determined that this information is entitled to protection pursuant to Section 366.093(3), Florida Statutes, in Order No. PSC-96-0532-CFO-GU, issued April 15, 1996, in Docket No. 960003-GU. FPU requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order. FPU asserts that this period is necessary to allow FPU to negotiate future gas purchase contracts on favorable terms.

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

TABLE 1: CONTRACTUAL AND BID INFORMATION

SCHEDULE	LINES	COLUMNS/ RATIONALE
A-1 SUPPORTING DETAIL P. 4A	8-12	VENDOR, INVOICE, CREDIT, CHECK, OR IDENTIFYING NUMBER INVOICE AMOUNT CLASSIFICATION BREAKDOWN

DOCUMENT NUMBER-DATE

02982 MAR-78

FPSC RECORDS/REPORTING

SCHEDULE	LINES	COLUMNS/ RATIONALE
A-3 P. 6A	1-39	PURCHASED FROM, SYSTEM SUPPLY, END USE, TOTAL PURCHASED COMMODITY COST/THIRD PARTY OTHER CHARGE ACA/GRI/FUEL, TOTAL CENTS PER THERM
A-4 P. 7	1-19	PRODUCER NAME, RECEIPT POINT, GROSS AMOUNT, NET AMOUNT, MONTHLY GROSS, MONTHLY NET, WELLHEAD PRICE, CITYGATE PRICE
GAS INVOICES PP. 17-19	1-80	ALL
IMBALANCE RESOLUTION(S) PP. 20 and 21	13-16 23 25	A-C F-H F and H

Pursuant to Section 366.093(3)(d), Florida Statutes, FPU states in its request that the information sought to be treated as confidential is contractual information which, if made public, would impair the efforts of FPU to contract for goods or services on favorable terms.

FPU asserts that the above information represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company and contains names of gas suppliers from whom FPU is purchasing gas supplies. FPU also asserts that the release "of supplier names would be detrimental to the interests of FPU and its customers since it would provide a competitor with a list of FPU's suppliers." The aforementioned data "contain information concerning volumes purchased and costs by gas supply source" that, if released, "could provide competing gas suppliers with an advantage over FPU." Additionally, FPU contends that if this information was released, it has the "potential to lead to inflated price fixing by gas suppliers" and "may result in higher gas costs which would have to be passed along to FPU's customers."

With respect to gas invoices, FPU asserts that these invoices contain, among other things, the following information: suppliers' identities; the periods of time the invoices are valid; suppliers'

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account numbers identifying FPU; invoice numbers and payment due dates; descriptions of services provided; volume and unit prices; price computation methodologies based on contract terms between suppliers and FPU; and suppliers' accounting and/or gas control representative(s) name(s) and telephone number(s). FPU asserts that the identity of individual gas suppliers "could be determined by any person familiar with the format, fonts and/or type sizes used by each gas supplier in constructing their invoices." For the foregoing reason, FPU requests that "every element of all gas supply invoices, with the exception of Florida Gas Transmission invoices," be kept confidential.

According to FPU, the item identified in the above table as "Imbalance Resolution(s)" represents transactions by FPU and "affects it's PGA for imbalances traded and as an alternative to Florida Gas Transmission Company's cash out program." FPU asserts that "[f]or competitive purposes only, FPU must be assured that 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 this transaction." FPU contends that if this information was released it may put future transactions of this nature at risk.

Upon review, this information appears to disclose rates and costs, customers, suppliers, invoices, 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, FPU's request is granted. Pursuant to Section 366.093(4), Florida Statutes, this information shall be granted confidential 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. 11264-99 is granted confidential classification. It is further

ORDERED that the information described in the body of this Order and contained in Document No. 11264-99 is granted

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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 7th Day of March, 2000.



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 120.569(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 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.