

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 010003-GU
ORDER NO. PSC-01-2338-CFO-GU
ISSUED: December 4, 2001

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO PORTIONS OF
FLORIDA PUBLIC UTILITIES COMPANY'S PURCHASED GAS ADJUSTMENT
FOR MAY 2000 (DOCUMENT NO. 07493-00)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Florida Public Utilities Company (FPUC) filed a request for confidential classification for portions of its May 2000, Purchased Gas Adjustment (PGA) filings contained in Document No. 07493-00.

FPUC requests confidential classification for Schedule A-1 Supporting Detail Supplement, Schedules A-3 and A-4, and of the gas invoices from suppliers other than Enron and the Florida Gas Transmission Company. FPUC asserts that this information is intended to be, and is, treated by FPUC as proprietary and has not been disclosed. FPUC requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order pursuant to Section 366.093(4), Florida Statutes.

FPUC requests that the information described below be granted confidential classification:

TABLE 1: SCHEDULE A-1 SUPPORTING DETAIL; SCHEDULE A-3; AND, SCHEDULE A-4

SCHEDULES	PAGES	LINES	COLUMNS
A-1 SUPPORTING DETAIL	4A	7-11	VENDOR; INVOICE, CREDIT, CHECK, OR IDENTIFYING NUMBER; INVOICE AMOUNT; CLASSIFICATION BREAKDOWN

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

SCHEDULES	PAGES	LINES	COLUMNS
A-3	6A	1-28	PURCHASED FROM; SYSTEM SUPPLY; END USE; TOTAL PURCHASED; COMMODITY COST/THIRD PARTY OTHER CHARGE ACA/GRI/FUEL; TOTAL CENTS PER THERM
A-4	7	1-16	PRODUCER NAME; RECEIPT POINT; GROSS AMOUNT; NET AMOUNT; MONTHLY GROSS; MONTHLY NET; WELLHEAD PRICE; CITYGATE PRICE
GAS INVOICES	10-15	ALL	ALL
IMBALANCE RESOLUTION(S)	19 20 20 20	ALL 13-16 23 25	ALL A-C F-H F & H

FPUC asserts that the information contained within these columns represents either negotiated gas supply packages or information from which the cost of such packages are derived. These packages are purchased from suppliers other than Enron and Florida Gas Transmission Company (FGT). According to FPUC, these purchase prices vary based on the operational flexibility of each contract. This information also contains the names of gas suppliers from which FPUC is purchasing gas supplies. FPUC maintains 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 contends that this information concerns both the volumes purchased and the costs by gas supply source. FPUC asserts that disclosure of this information may render suppliers less likely to make price concessions. FPUC

maintains that the release of such information has the potential to encourage price fixing by gas suppliers. Potentially, according to FPUC, the release of the aforementioned information may result in higher gas costs which would have to be passed along to FPUC's customers. This, according to FPUC, "would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes.

FPUC claims that it is necessary to keep all natural gas supply invoices and related transactions confidential with the exception of the Enron and FGT invoices and transactions. The identity of the individual gas suppliers could be determined by any person familiar with the format, fonts and type sizes used by each gas supplier in constructing their invoices. Because of this, FPUC requests that every element of all gas supply invoices, except Enron and FGT invoices, be kept confidential to comply with the terms of FPUC's gas supply contracts. FPUC asserts that the disclosure of any portion of this information would be detrimental to FPUC and its customers because it would provide a competitor with a list of FPUC's suppliers. FPUC asserts that if this information is disclosed, suppliers may be less likely to make price concessions. Release of such information has the potential to lead to inflated price fixing by gas suppliers. Potentially, according to FPUC, release of the aforementioned information may result in higher gas costs which would have to be passed along to FPUC's customers. FPUC also contends that it is contractually obligated to keep confidential all material terms of its gas supply agreements and transactions between its gas suppliers and the company. Each gas invoice represents negotiated gas supply packages purchased from suppliers other than Enron and FGT. According to FPUC, these prices vary based on the operational flexibility of each contract.

Additionally, some of the items requested to be treated as confidential include transactions by FPUC that affect its PGA for imbalances traded and as an alternative to Florida Gas Transmission Company's cash out program. FPUC requests that it "must be assured that no other pipeline customer will be able to ascertain the parties involved in this transaction with FPUC nor the prices of the components of such transactions nor the quantities involved in this transaction." FPUC asserts that if this information is

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released, future transactions of this type may be put at undue risk, and efforts to contract for goods and services on favorable terms would be impaired.

FPUC has requested that this information be granted confidentiality for a period of 18 months in accordance with Section 366.093(4), Florida Statutes. Upon review, this time period appears to be necessary in order to allow FPUC to negotiate future gas purchase contracts with suppliers and competitors on favorable terms. The information, therefore, shall be held confidential for a period of 18 months from the issuance of this Order.

It is therefore

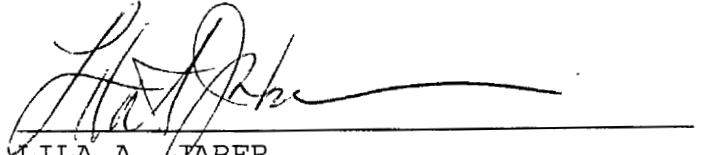
ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that Florida Public Utilities Company's request for confidential classification of portions of Document No. 07493-00, is granted. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to Document No. 07493-00 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 364.183. 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.

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By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,
this 4th day of December, 2001.



LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

LHD

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

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the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.