

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 020003-GU
ORDER NO. PSC-02-0297-CFO-GU
ISSUED: March 8, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO
FLORIDA PUBLIC UTILITIES COMPANY FOR PORTIONS OF ITS PURCHASED
GAS ADJUSTMENT FOR DECEMBER, 2001 (DOCUMENT NO. 00675-02)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Florida Public Utilities Company (FPUC) requests confidential classification for portions of its December, 2001, Purchased Gas Adjustment (PGA). The confidential information is filed with the Commission as Document No. 00675-02.

FPUC asserts that the material for which confidential treatment is sought is treated by FPUC as proprietary and confidential. FPUC requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order. FPUC asserts that this period is necessary to allow FPUC to negotiate future gas purchase contracts on favorable terms. Pursuant to Section 366.093(3)(d), Florida Statutes, FPUC states that the information is treated by FPUC as confidential and, if released, would impair FPUC's ability to negotiate future gas purchase contracts favorably.

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

TABLE 1: CONTRACTUAL AND BID INFORMATION			
SCHEDULE(S)	PAGE(S)	LINE(S)	COLUMN(S)
A-1 Supporting Detail	4A	7-8	VENDOR; INVOICE, CREDIT, CHECK, OR IDENTIFYING NUMBER; INVOICE AMOUNT; CLASSIFICATION BREAKDOWN

DOCUMENT NUMBER-DATE

02714 MAR-88

FPSC-COMMISSION CLERK

TABLE 1: CONTRACTUAL AND BID INFORMATION CONT'D			
SCHEDULE(S)	PAGE(S)	LINE(S)	COLUMN(S)
A-3	6	1-44	PURCHASED FROM; SYSTEM SUPPLY; END USE; TOTAL PURCHASED; COMMODITY COST/THIRD PARTY; OTHER CHARGE ACA/GRI/FUEL; TOTAL CENTS PER THERM
A-4	7	1-14	PRODUCER NAME; RECEIPT POINT; GROSS AMOUNT; NET AMOUNT; MONTHLY GROSS; MONTHLY NET; WELLHEAD PRICE; CITYGATE PRICE
GAS INVOICES	33-34	1-80	ALL

FPUC asserts that the above information represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company (FGT) and contains the names of gas suppliers from which FPUC is purchasing gas supplies, as well as volumes purchased and costs by gas supply source. Release of this information could provide competing gas suppliers with an advantage over FPUC, and suppliers may be less likely to make price concessions. Release of specific fuel cost data would enable a third party to compute FPUC's cost of gas by supplier. FPUC contends that if the above information was released, it may potentially result in higher gas costs that would have to be passed along to FPUC's customers, and would impair the efforts of FPUC to contract for goods and services on favorable terms.

FPUC represents that it is necessary to keep all natural gas supply invoices and related transactions confidential, with the exception of the FGT invoices and transactions. FPUC reasons that any person familiar with the format, fonts and/or type sizes used by each gas supplier in constructing their invoices could easily determine the identity of these suppliers. Release of any or all of the data contained in the invoices and transactions would be detrimental to the interests of FPUC and its customers, since it

would provide a competitor with a list of FPUC's suppliers. FPUC asserts that if this information is 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 contends that the release of such information could provide competing gas suppliers with an advantage over FPUC and make them less likely to make price concessions. FPUC represents that this may result in higher gas costs which would have to be passed along to FPUC's customers.

FPUC states that imbalance resolutions represent transactions that affect its PGA for imbalances traded, as well as an alternative to Florida Gas Transmission Company's cash out program. FPUC believes that no other pipeline customer should be able to ascertain the parties involved in this transaction with the FPUC nor the prices of the components of such transactions nor the quantities involved with this transaction. FPUC maintains that if this information is made public, it will put future transactions of this type at risk and impair the efforts of the FPUC to contract for goods or services on favorable terms.

Upon review, this information appears to disclose rates and costs, suppliers, invoices, contractual information, vendors, and price and quantity of gas purchased. 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, FPUC'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.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the request of Florida Public Utilities Company for confidential classification of portions of Document No. 00675-02 is granted. It is further

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ORDERED that the information described in the body of this Order and contained in Document No. 00675-02 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 notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 8th day of March, 2002.



MICHAEL A. PALECKI
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.

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.

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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 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.