

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

DOCKET NO. 020003-GU
ORDER NO. PSC-02-1468-CFO-GU
ISSUED: October 25, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR
CERTAIN MATERIALS OBTAINED IN PREPARATION OF THE
PURCHASED GAS ADJUSTMENT AUDIT (AUDIT NO. 02-032-4-2)
OF CITY GAS COMPANY OF FLORIDA, A DIVISION
OF NUI CORPORATION, FOR THE TWELVE MONTHS
ENDING DECEMBER 31, 2001 (DOCUMENTS NOS. 06864-02
AND 07325-02)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, City Gas Company of Florida, a division of NUI Corporation, (NUI/City Gas) filed a request for confidential classification for portions of its Purchased Gas Adjustment (PGA) audit for the twelve months ending December 31, 2001, contained in Documents Nos. 06864-02 and 07325-02. NUI/City Gas requests confidential classification of various workpapers produced during the audit. NUI/City Gas asserts that this information is intended to be, and is, treated by NUI/City Gas as proprietary and has not been disclosed. NUI/City Gas 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.

According to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the utility has the burden of demonstrating that materials qualify for confidential classification. The utility must meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information, or the ratepayers harm.

NUI/City Gas requests confidential classification for the information contained in the following table:

DOCUMENTS RECEIVED

11584 OCT 25 2002

FPSC-CO. RECEPTION CLERK

WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-4/3	1	1-40	Customer Specific Information
41-4/3	2	1-47	Customer Specific Information
41-4/3	3	1-46	Customer Specific Information
41-4/3	4	1-49	Customer Specific Information
41-4/3	5	1-48	Customer Specific Information
41-4/3	6	1-52	Customer Specific Information
41-4/3	7	1-49	Customer Specific Information
41-4/4	1-20	1-13	Customer Specific Information

NUI/City Gas affirms that the material for which confidential classification is sought is treated by NUI/City Gas as proprietary and confidential. Additionally, NUI/City Gas states that the workpapers represent information identifying customers, customer locations, and/or customer addresses. Thus, NUI/City Gas asserts that disclosure of customer names and addresses or their locations would impair and harm the competitive business of NUI/City Gas and the customers of NUI/City Gas.

Pursuant to Section 366.093(3)(e), Florida Statutes, this information constitutes proprietary, confidential business information, the disclosure of which would cause harm to NUI/City Gas' competitive interests. In Order No. PSC-00-1569-CFO-EG, issued August 31, 2000, in Docket No. 000002-EG, we held that customer information is proprietary, confidential business information and, if released, would cause harm. Accordingly, NUI/City Gas' information appears to be proprietary and confidential pursuant to Section 366.093(3)(e), Florida Statutes.

CONCLUSION

Upon review it appears that the information discussed above is proprietary, confidential business information and should be given confidential treatment, pursuant to Section 366.093(3)(e), Florida Statutes. NUI/City Gas has requested that this information be granted confidential classification for a period of 18 months in accordance with Section 366.093(4), Florida Statutes. This time

ORDER NO. PSC-02-1468-CFO-GU
DOCKET NO. 020003-GU
PAGE 3

period appears to be necessary in order to allow City Gas 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 Michael A. Palecki, as Prehearing Officer, that the request for confidential classification of portions of Documents Nos. 06864-02, and 07325-02 by City Gas Company of Florida, a division of NUI Corporation, is granted. It is further

ORDERED that the information for which confidential classification has been requested will be 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 shall 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 25th day of October, 2002.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

(S E A L)

KNE

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 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.