

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 030003-GU  
ORDER NO. PSC-03-1091-CFO-GU  
ISSUED: October 1, 2003

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR  
CERTAIN MATERIALS OBTAINED IN PREPARATION OF THE  
PURCHASED GAS ADJUSTMENT AUDIT (AUDIT NO. 03-063-4-3)  
OF CITY GAS COMPANY OF FLORIDA, A DIVISION OF NUI CORPORATION,  
FOR THE TWELVE MONTHS ENDING DECEMBER 31, 2002  
(DOCUMENTS NOS. 05992-03 AND 06365-03)

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, 2002, contained in Documents Nos. 05992-03 and 06365-03. 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.

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

WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-6/2	1	1, 3-18, 20-30, 32-44, 46-57	Sensitive contractual and competitive information release of which could cause harm
41-6/2	2	1-11, 13-26, 28-40, 42-53, 55-58	Sensitive contractual and competitive information release of which could cause harm

DOCUMENT NUMBER-DATE

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WORK PAPER	PAGE (S)	LINE (S)	TYPE OF INFORMATION
41-6/2	3	1-3, 5-18, 20-33, 35- 48, 50-55	Sensitive contractual and competitive information release of which could cause harm
41-6/2	4	1-4, 6-19, 21-33, 35- 48, 51-57	Sensitive contractual and competitive information release of which could cause harm
41-6/2	5	1-15, 17-29, 31-42, 44-56	Sensitive contractual and competitive information release of which could cause harm
41-6/2-1	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/2-2	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/2-3	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/2-4	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/2-5	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm

WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-6/2-6	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/2-7	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/2-8	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/2-9	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/3	1	1-14, 16-27, 29-43, 45-53	Sensitive contractual and competitive information release of which could cause harm
41-6/3	2	1-9, 11-22, 24-41, 43-56, 58	Sensitive contractual and competitive information release of which could cause harm
41-6/3	3	1-8, 10-21, 23-36, 38-50	Sensitive contractual and competitive information release of which could cause harm
41-6/3	4	1-20, 22-35, 37-49	Sensitive contractual and competitive information release of which could cause harm

WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-6/3	5	1-7, 9-26, 28-39, 41- 53, 54-55	Sensitive contractual and competitive information release of which could cause harm
41-6/3-1	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/3-2	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/3-3	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/3-4	1	1-13, 17	Sensitive contractual and competitive information release of which could cause harm
41-6/3-5	1	1-8, 10-13, 17	Sensitive contractual and competitive information release of which could cause harm

NUI/City Gas asserts that the information contained in the table above represents negotiated gas supplies purchased from suppliers other than Florida Gas Transmission Company (FGT) and deliveries by gate station. Prices vary based on the operational flexibility of each contract. This data contains the name of gas suppliers from whom NUI/City Gas is purchasing gas supplies. NUI/City Gas maintains that release of suppliers' names and gas tendered by gate stations would be detrimental to the interests of NUI, City Gas Company of Florida, and their customers. NUI/City Gas contends that this is because competitors would be supplied with a list of suppliers and operating information. NUI/City Gas also asserts that this data includes information concerning the

totals paid to gas suppliers. NUI/City Gas maintains that releasing such information could provide competing gas suppliers with an advantage over NUI/City Gas. Suppliers may be less likely to make price concessions. Release of such information, according to NUI/City Gas, has the potential to lead to inflated price fixing by gas suppliers. NUI/City Gas contends that, potentially, release of the information discussed in Staff Work Papers above, may result in higher gas costs which would have to be passed along to NUI/City Gas customers.

The information discussed above also represents transactions by NUI/City Gas, and affect its PGA for imbalances traded and as an alternative to FGT's "cash out" program. NUI/City Gas maintains that to stay competitive, it must be assured that no other pipeline customer will be able to ascertain the parties involved in this transaction, the prices of the components of such transactions, or the quantities involved in the transactions. Otherwise, NUI/City Gas asserts, future transactions of this type may be put at undue risk. NUI/City Gas contends that this information is contractual information which, if made public, would impair the efforts of the utility to contract for goods or services on favorable terms, pursuant to Section 366.093(3)(d), Florida Statutes.

Upon review, it appears that the foregoing information represents contractual data, the disclosure of which "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. Therefore, this information shall be granted confidential classification.

NUI/City Gas has requested that this information be granted confidentiality for a period of 18 months in accordance with Section 366.093(4), Florida Statutes. This time 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 Braulio L. Baez, as Prehearing Officer, that NUI/City Gas Company's request for confidential classification of portions of Documents Nos. 05992-03 and 06365-03, 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 Braulio L. Baez, as Prehearing Officer, this 1st day of October, 2003.

 for Commissioner Braulio Baez

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BRAULIO L. BAEZ  
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.

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; or (2) 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.