

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of special contract  
with Pasco Cogen, Ltd. by Peoples Gas  
System.

DOCKET NO. 040259-GU  
ORDER NO. PSC-04-0526-CFO-GU  
ISSUED: May 24, 2004

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF PORTIONS OF THE  
SECOND AMENDED AND RESTATED GAS TRANSPORTATION AGREEMENT  
(DOCUMENT NO. 03874-04)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Peoples Gas System (Peoples) requests confidential classification of portions of the Second Amended and Restated Gas Transportation Agreement ("special contract") between Peoples and Pasco Cogen, Ltd. (Pasco Cogen). Peoples asserts that the information contained in portions of the special contract is entitled to confidential classification pursuant to Section 366.093(3)(d), Florida Statutes. Peoples also asserts that the information for which confidential classification is sought is intended to be, and is treated as confidential by Peoples and Pasco Cogen. Peoples maintains that this information has not been otherwise publicly disclosed.

Peoples requests confidential treatment of certain information contained in pages 4-5 of the special contract. Peoples claims that this information is proprietary, confidential business information regarding the reduced rates at which Peoples will provide gas service to Pasco Cogen under the special contract, the thresholds at which the various rates apply, and other information affecting the level of the rate to be charged. Peoples alleges that this information is protected under Section 366.093(3)(d), Florida Statutes. Peoples maintains that public disclosure of this information would impair the competitive business of Peoples in the event it should become necessary to negotiate similar arrangements with other customers or potential customers in the future. According to Peoples, disclosure of the specific level of the rate at which Peoples will provide gas service to Pasco Cogen would give other customers or potential customers a benchmark or target toward which to negotiate in dealing with Peoples, notwithstanding that their particular circumstances may not be the same as, or even similar to, those of Pasco Cogen. Peoples asserts that disclosure of this information would hamper its ability to negotiate in the future with other customers and potential customers who may be contemplating either the bypass of Peoples' distribution system or switching to a fuel other than natural gas, or never choosing to use the Peoples' distribution system at all.

Upon review, it appears that the information for which Peoples seeks confidential classification is proprietary confidential business information "concerning bids or other 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. This information also appears to be "information relating to competitive interests, the

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disclosure of which would impair the competitive business of the provider of the information." Section 366.093(3)(e), Florida Statutes. Accordingly, it is granted confidential classification.

Peoples requests confidential classification for this information for a period exceeding 18 months. According to Section 366.093(4), Florida Statutes, confidential classification may only extend for 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period." Peoples requests that the information not be declassified until two months after the expiration of the term of the special contract. The special contract expires on December 31, 2008; thus, the requested date of declassification is February 28, 2009. According to Peoples, the time period requested is necessary to protect the competitive information from disclosure to its competitors and to other customers in order to allow Peoples, should it become necessary, to negotiate future gas service arrangements with other customers on favorable terms based on the specific factual circumstances of such customers. In addition, Peoples asserts that the period of time requested will ultimately protect Peoples and its customers by any such future arrangements being entered into based only on the facts and circumstances then applicable. Peoples appears to have provided sufficient information concerning the harm which could arise from not protecting this information until February 28, 2009, two months after the expiration of the term of the special contract. Accordingly, good cause having been shown, the information granted confidential classification shall be held as confidential until February 28, 2009, two months after the expiration of the term of the special contract.

It is therefore

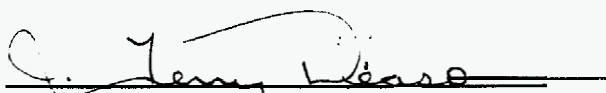
ORDERED by Commissioner Deason, as Prehearing Officer, that the information discussed above and contained in Document No. 03874-04 is granted confidential classification. It is further

ORDERED that the information discussed in the body of this Order and contained in Document No. 03874-04 is granted confidential classification until February 28, 2009, two months after the expiration of the term of the special contract. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the declassification date of this document.

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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 24th day of  
May, 2004

  
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J. TERRY DEASON  
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.