

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Natural gas conservation cost recovery.

DOCKET NO. 070004-GU  
ORDER NO. PSC-07-0171-CFO-GU  
ISSUED: February 23, 2007

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN MATERIALS  
OBTAINED DURING THE CONSERVATION COST RECOVERY AUDIT (AUDIT NO. 06-  
076-4-4) OF FLORIDA PUBLIC UTILITIES COMPANY  
(DOCUMENT NOS. 05838-06 AND 06108-06)

BY THE COMMISSION:

On July 12, 2006, pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Public Utilities Company (FPUC) filed a request for confidential classification of certain materials provided pursuant to staff's "Florida Public Utilities Company Gas Energy Conservation Cost Recovery Clause Audit for the Year Ended December 31, 2005." Document Nos. 05838-06 and 06108-06 are currently held by the Commission's Division of the Commission Clerk and Administrative Services as confidential pending resolution of FPUC's request for confidential classification. FPUC asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FPUC requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), Florida Statutes.

Section 366.093(1), Florida Statutes, provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, Florida Statutes, Florida's Public Records Act. Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and that has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes:

\* \* \*

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

FPUC asserts that the information for which it seeks confidential status consists of customer specific account information. The customer information includes customer names, addresses, telephone numbers, account numbers, services, usage, bill amounts and similar information specific to individual customers. FPUC asserts that it does not reveal customer specific account information unless authorized by the customer or required to do so by law, in

DOCUMENT NUMBER-DATE

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order to protect the customers' competitive interests and right to privacy. FPUC contends that the release of the information would harm FPUC's competitive business and would also be detrimental to the interests of the customer. FPUC asserts that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(e), Florida Statutes, as proprietary confidential business information, the disclosure of which would cause harm to its customers.

FPUC requests confidential classification for the information listed in the following table:

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 05838-06 and 06108-06			
41-3/2	1-6	Columns A-F Lines 1-35	Customer-Specific Information
41-3/3	1-4	Columns A-F Lines 1-35	Customer-Specific Information
41-3/4	1-2	Columns A-F Lines 1-35	Customer-Specific Information
41-3/5	1	Columns A-F Lines 1-36	Customer-Specific Information
41-3/5	1A	Columns A-F Lines 1-35	Customer-Specific Information
41-3/5	2-4	Columns A-F Lines 1-36	Customer-Specific Information
41-3/6	1	Columns A-F Lines 1-35	Customer-Specific Information
41-3/6	2-5	Columns A-F Lines 1-36	Customer-Specific Information
41-3/7	1	Columns A-F Lines 1-35	Customer-Specific Information
41-3/7	2-4	Columns A-F Lines 1-36	Customer-Specific Information
41-3/8	1	Columns A-F Lines 1-36	Customer-Specific Information
41-3/8	2	Columns A-F Lines 1-28	Customer-Specific Information
41-3/8	3-4	Columns A-F Lines 1-35	Customer-Specific Information
41-3/9	1-5	Columns A-F Lines 1-36	Customer-Specific Information
41-3/10	1-3	Columns A-F Lines 1-36	Customer-Specific Information
41-3/10	4	Columns A-F Lines 1-35	Customer-Specific Information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(e), Florida Statutes. The information appears to contain proprietary confidential business information that contains customer specific information, the disclosure of which would be detrimental to the interests of its customers. Therefore, I grant confidential classification for the information identified above that is found in Documents Nos. 05838-06 and 06108-06.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless Florida Public Utilities Company or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

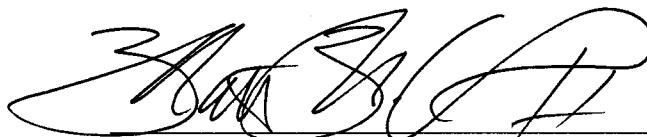
Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that Florida Public Utilities Company's request for confidential classification of portions of Documents Nos. 05838-06 and 06108-06 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 Matthew M. Carter II, as Prehearing Officer, this 23rd day of February, 2007.

  
MATTHEW M. CARTER II  
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.