

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Peoples Gas System, Inc.	DOCKET NO. 20230023-GU
In re: Petition for approval of 2022 depreciation study, by Peoples Gas System, Inc.	DOCKET NO. 20220219-GU
In re: Petition for approval of depreciation rate and subaccount for renewable natural gas facilities leased to others, by Peoples Gas System, Inc.	DOCKET NO. 20220212-GU ORDER NO. PSC-2023-0166-CFO-GU ISSUED: May 18, 2023

ORDER GRANTING MOTIONS FOR TEMPORARY PROTECTIVE ORDER  
(DOCUMENT NOS. 03097-2023, 03150-2023, AND 03159-2023)

On April 11, 2023, the Office of Public Counsel (OPC) served Peoples Gas System, Inc. (PGS) its First Set of Interrogatories (Nos. 1-106) and First Request for Production of Documents (Nos. 1-48). On April 19, 2023, OPC served PGS its Second Set of Interrogatories (Nos. 107-130) and Second Request for Production of Documents (49-55). On April 20, 2023, OPC served PGS its Third Set of Interrogatories (Nos. 131-179) and Third Request for Production of Documents (Nos. 56-69). These discovery requests are collectively referred to as “OPC’s Discovery Requests.”

On May 5, 2023, pursuant to Rule 25-22.006(6)(c), Florida Administrative Code (F.A.C.), PGS filed a Preliminary Motion for Temporary Protective Order<sup>1</sup> (Motion) to exempt from Section 119.07(1), Florida Statutes (F.S.), certain confidential information requested by OPC through discovery, and for the protection of that information against public disclosure pending OPC’s review of it.

On May 10, 2023, PGS filed a Motion for Temporary Protective Order,<sup>2</sup> supplementing its request to keep confidential its responses to OPC’s Third Set of Interrogatories (Nos. 31-179) and Third Request for Production of Documents (Nos. 56-69). On May 11, 2023, PGS filed another Motion for Temporary Protective Order,<sup>3</sup> supplementing its request to keep confidential its responses to OPC’s First Set of Interrogatories (Nos. 1-106) and First Request for Production of Documents (Nos. 1-48) and Second Set of Interrogatories (Nos. 107-130) and Second Request for Production of Documents (49-55). These two additional motions are collectively referred to as “supplemental filings.”

<sup>1</sup> Document No. 03097-2023, filed in Docket No. 20230023-GU

<sup>2</sup> Document No. 03150-2023, filed in Docket No. 20230023-GU

<sup>3</sup> Document No. 03159-2023, filed in Docket No. 20230023-GU

Motion for Temporary Protective Order

In its Motion and supplemental filings, PGS contends that its responses to OPC's Discovery Requests will be related to PGS's forecasted growth rates for load, customers, total revenue, net income, and rate base. PGS further contends that it will provide information regarding its labor force, its payroll and salary structures, and its incentive compensation programs – including the cost allocation of its executive compensation. PGS will also provide OPC the basis for the cost projected for each projected issuance of long-term debt, including all calculations, e.g., 30-year Treasury yield plus 100 basis point risk premium. Additionally, PGS will provide OPC prospectuses for any security issuances, private placement documents, or loan agreements for any debt or equity instruments of PGS, Tampa Electric Company (TECO), and Emera, Incorporated (Emera) from January 1, 2020, to the present. PGS also anticipates providing OPC year-end capital structures for PGS, TECO, and Emera over the past five years.

PGS contends that all or portions of its Responses to OPC's Discovery Requests constitute "proprietary confidential business information" and are entitled to protection against public disclosure pursuant to Section 366.093, F.S. PGS contends that the disclosure of this information could adversely affect the economic interests of PGS and its customers.

Section 366.093(2), F.S., directs that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by any party subject to the public records law as confidential and exempt from Section 119.07(1), F.S. Rule 25-22.006(6), F.A.C., codifies the Commission's policy regarding the protection of confidential information from public disclosure during the discovery process in a manner that is not overly burdensome to both parties. Rule 25-22.006(6)(a), F.A.C., in pertinent part, states:

In any formal proceeding before the Commission, any utility or other person may request a protective order protecting proprietary confidential business information from discovery. Upon a showing by a utility or other person and a finding by the Commission that the material is entitled to protection, the Commission shall enter a protective order limiting discovery in the manner provided for in Rule 1.280, Florida Rules of Civil Procedure.

In addition, Rule 25-22.006(6)(c), F.A.C., states that if a party allows OPC to inspect or take possession of utility information, then that "utility may request a temporary protective order exempting the information from Section 119.07(1), F.S." The rule further requires the utility to file a specific request for a protective order under paragraph (a) of the rule if the information is to be used in the proceeding before the Commission.

Ruling

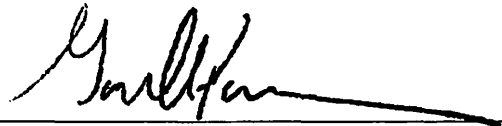
Upon consideration of PGS's assertions of the confidential nature of the information contained in PGS's responses to OPC's Discovery Requests, Document Nos. 03097-2023, 03150-2023, and 03159-2023, PGS's Preliminary Motion for Temporary Protective Order and

supplemental filings are hereby granted. As a result, this information shall be protected from disclosure pursuant to Rule 25-22.006(6), F.A.C.

Based on the foregoing, it is hereby

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that Peoples Gas System, Inc.'s requests for a protective order as set forth in Document Nos. 03097-2023, 03150-2023, and 03159-2023 are granted, pursuant to the terms and conditions set forth in this Order.

By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 18th day of May, 2023.



Gabriella Passidomo  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.