

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Purchased Gas Adjustment) DOCKET NO. 940003-GU
(PGA) Clause.) ORDER NO. PSC-94-0631-CFO-GU
_____) ISSUED: May 24, 1994

ORDER GRANTING JOINT MOTION OF PEOPLES GAS SYSTEM, INC. AND
GATOR GAS MARKETING, INC. FOR ACCEPTANCE OF JOINT
REQUEST FOR SPECIFIED CONFIDENTIAL TREATMENT

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Peoples Gas System, Inc. (Peoples) and Gator Gas Marketing, Inc. (Gator) have requested specified confidential treatment of portions of a) Commission Staff's Supplemental PGA Audit Report for the twelve-months ended September 30, 1992 (Document No. 05757-93, previously filed on March 27, 1993) ("The Audit Report"), b) the Commission Staff's Audit Work Papers which were filed with the audit report mentioned above ("The Audit Work Papers"), and c) Peoples response to the aforementioned audit report ("Peoples Response").

AUDIT REPORT

The petitioners' request indicates page 3 (unnumbered line 13) and page 4 (unnumbered lines 13-28, unlettered column B) of the audit report as identifying the names of gas vendors with which Peoples and Gator contracted. The petitioners argue that disclosure of the names of gas vendors would be detrimental to the interests of Peoples and its ratepayers. It is further argued that disclosure would provide competitors with a list of prospective vendors and a third party may use that list to interject itself as a middleman which would be reasonably likely to result in increased prices. The information has been granted confidential status in previous orders, ordered by this Commission. I agree.

AUDIT WORKPAPERS

Workpaper No.	Lines	Columns	Findings
10 P.1	10 a,b,c,d	A	Granted.
10-10 P.1	3-7		Granted.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Workpaper No.	Lines	Columns	Findings
12 P.1	1-42	D,E	This workpaper is the Gator Gas Marketing Balance Sheet for the twelve months ending 9/30/92. The utility states that 1) Gator is a private company which is not subject to the regulation of the FPSC and 2) that this information is beyond the scope of the information Gator is required by statute to disclose. I do not believe that these arguments are sufficient to justify confidential classification of the balance sheet. The statute defines proprietary confidential business information and Commission rule states that the burden of proof is on the utility or other person to show that the material in question contains bona fide proprietary confidential business information. The utility has not indicated how this information meets the criteria of Section 366.093(3)(a), F.S. therefore, this request is denied.
42-1	1-28	C,E,F,H,K,P	Granted.
42-2	1-44	C,E,F,H,K,P	Granted.
42-3	1-36	C,E,F,H,K,N, P	Granted.
42-4 P.1,2	1-52	C,E,?F,H,K,P	Granted.
42-5 P.1,2	1-48	C,E,F,H,K,N, P	Granted.
42-6	1-47	C,E,F,H,K,N, P	Granted.
42-7	1-46	C,E,F,H,K,N, P	Granted.
42-8	1-28	C,E,F,H,K,N, P	Granted.
42-9	1-43	C,E,F,H,K,N, P	Granted.

Workpaper No.	Lines	Columns	Findings
42-10	1-48	C,E,F,H,K,N, P	Granted.
42-11	1-39	C,E,F,H,K,N, P	Granted.
42-12	1-29	C,E,F,H,K,N, P	Granted.
44	18		Granted.
44-1 P.1	all lines	C	Granted.
44-1 P.2	1,4 ¹	C	Granted.
44-1/1 P.1-5	all lines	C,D,F,G,I,J	Granted.
44-2 P.1,2	1,3,4,11,2 2,23		Granted.
44-2/1	Heading, 1-41	B,C,E	Granted.
44-2/1-1 P.1,2	all lines		Granted.
44-2/1-2 P.1,2	all lines		Granted.
44-2/2			The utility initially requested that certain lines on the page be kept confidential. However, the utility's request did not ask for confidential treatment of this page. Therefore, it will no longer be considered confidential.
44-3 P.1,2	all lines	B,C,E,F	Granted.
45-1	1-31	C,E,F,H,I,M, R	Granted.
45-2	1-47	C,E,F,H,I,J, M,R	Granted.

¹ The utility initially requested that lines 10-14, and 17 also be considered confidential. The request did not address these lines, so they will no longer be classified as confidential.

Workpaper No.	Lines	Columns	Findings
45-3	1-36	C,E,F,H,I,M, R	Granted.
45-4 P.1,2	1-52	C,E,F,H,J,M, R	Granted.
45-5 P.1	1-33	C,E,F,H,J,M, R	Granted.
45-5 p.2	1-15	C,E,F,H,J,M, R	Granted.
45-6	1-46	C,E,F,H,J,M, R	Granted.
45-7	1-46	"	Granted.
45-8	1-28	"	Granted.
45-9	1-37	"	Granted.
45-10 P.1,2	1-48	C,E,F,H,J,M, P,R	Granted.
45-11	1-39	C,E,F,H,J,M, R	Granted.
45-12	1-29	C,E,F,H,J,M, P,R	Granted.
46-1 P.1-4	all lines	C,E	Granted.
46-2 P.1-5	all lines	C,E	Granted.
46-3 P.1-4	all lines	C,E	Granted.
46-4 P.1-5	all lines	C,E	Granted.
47-1	1-30	B,C	Granted.
47-2 P.1-9	all lines	C,D,E,G,I,K, L	Granted.
47-3 P.1-3	various lines		Granted.
47-3/1	various lines		Granted.

Workpaper No.	Lines	Columns	Findings
48			The utility initially requested that certain lines on the page be kept confidential. However, the utility's request did not ask for confidential treatment of this page. Therefore, it will no longer be considered confidential.
48-1	4-11, 14-16		Granted.
48-2	1-22		Granted.
48-2/1 P.1,2	all lines	A,B,C,D,E,G	Granted.
48-3	7-16		Granted.
48-4			The utility initially requested that certain lines on the page be kept confidential. However, the utility's request did not ask for confidential treatment of this page. Therefore, it will no longer be considered confidential.
57-1 P.1-5	all lines	C,D,E,G,H	Granted.
59-1 P.1-4	all requested lines	B	I will grant the utility's request for vendors which are unrelated parties and are not FGT.
59-1 P.1-4		E	I will grant the utility's request for unit costs for all vendors except FGT. Those costs of FGT are on file at FERC and are public record. Therefore, I will deny Page 1: Lines 3, 8, 13, 18, 24, 29, 34, 38, 43, 48, 54; Page 2: 7, 21, 34, 48; Page 3: 3, 8, 13, 18, 24, 29, 34, 38, 43, 48, 54; Page 4: 7, 21, 34, 48.

RESPONSE TO AUDIT REPORT

The utility identified various lines on Pages 3, 4, and 5 of its response to the staff audit. These lines indicate volumes of gas purchased and received by Gator Gas. As discussed previously,

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I agree with the utility that this type of information meets the requirements for confidential classification. I find that the utility's request should be granted for these pages.

In addition, the utility's response to the audit included three attachments. The first attachment is a summary of invoices for the month of July 1992. The information highlighted in the heading and Columns B, C, D, and G includes the name of a gas vendor from which Gator purchased gas, the unit price of the gas, the volumes purchased, the receipt points, and the customer to which Gator sold the gas. The second attachment includes similar information in Columns C, D, E, and G. The third attachment is a copy of two invoices. The utility has highlighted all information which identifies the vendors, as well as the volumes and unit costs. I agree and this request is granted.

The petitioners request that the proprietary information discussed above be treated as confidential until December 14, 1994. I find that the period requested is necessary to allow petitioners time to negotiate future gas contracts. If this information were declassified at an earlier date, competitors would have accessed information which could adversely effect the ability of the petitioners to negotiate future contracts on favorable terms. I find that this time period of confidentiality classification will ultimately protect the petitioners and Peoples's ratepayers.

In consideration of the foregoing, it is

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that Peoples Gas System, Inc. and Gator Gas Marketing, Inc.'s request for specified confidential treatment of staff supplemental PGA Audit Report, Staff's Audit Workpapers and Peoples' Response to the Audit, identified in this docket as Documents Nos. 05757-93 and 06392-93 is granted. It is further

ORDERED that the proprietary confidential business information discussed above shall be afforded confidential treatment until December 14, 1994. It is further

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By ORDER of Chairman J. Terry Deason, as Prehearing Officer,
this 24th day of May, 1994.



J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)
MRC:bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), 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 Records and Reporting, 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.