

State of Florida



# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** September 1, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *RLW* *JDJ*  
**RE:** Document Number 08976-98 - Florida Public Utilities Company

RECEIVED-FPSC  
 98 SEP -4 PM 3:08  
 RECORDS AND REPORTING

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

FPSC, CLK - CORRESPONDENCE  
 Administrative  Parties  Consumer  
 DOCUMENT NO. \_\_\_\_\_  
 DISTRIBUTION: \_\_\_\_\_

PEL:lkf  
 Attachments  
 cc: (With Attachments)  
     Wayne Makin  
     Division of Appeals  
     Grace Jaye, Division of Legal Services  
     (Without Attachments)  
     Joseph D. Jenkins  
     Robert L. Trapp  
     Cheryl Bulecza-Banks  
 Division of Records and Reporting

DOCUMENT NO  
 16909-99

980003

State of Florida



# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** September 1, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *ES* *CEB*  
**RE:** Document Number 08989-98 - Tampa Electric Company d/b/a Peoples Gas System *JDJ*

RECEIVED FPSC  
 18 SEP - 1 1998 3:18  
 RECORDS AND REPORTING

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

FPSC, CLK - CORRESPONDENCE  
Administrative Parties Consumer  
 DOCUMENT NO. \_\_\_\_\_  
 DISTRIBUTION: \_\_\_\_\_

PEL:lkf  
 Attachments  
 c: (With Attachments)  
 Division of Appeals  
 Grace Jaye, Division of Legal Services  
 (Without Attachments)  
 Joseph D. Jenkins  
 Robert L. Trapp  
 Cheryl Bulecza-Banks  
 ✓ Division of Records and Reporting

State of Florida



# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** September 1, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *BZ CRB* *JDT*  
**RE:** Document Number 08992-98 - City Gas Company of Florida

RECEIVED-FPSC  
 98 SEP -4 PM 3:14  
 RECORDS AND REPORTING

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

FPSC, CLK - CORRESPONDENCE  
 \_Administrative\_Parties\_Consumer  
 DOCUMENT NO. \_\_\_\_\_  
 DISTRIBUTION: \_\_\_\_\_

PEL:lkf  
 Attachments  
 cc: (With Attachments)  
       Wayne R. Makin  
       Division of Appeals  
       Grace Jaye, Legal Services  
       (Without Attachments)  
       Joseph D. Jenkins  
       Robert L. Trapp  
       Cheryl Bulecza-Banks  
       ✓ Division of Records and Reporting



Public Service Commission -FPSC

98 SEP 28 PM 1:18

-M-E-M-O-R-A-N-D-U-M-

RECORDS AND REPORTING

FPSC, CLK - CORRESPONDENCE

Administrative Parties Consumer

DOCUMENT NO. \_\_\_\_\_

DISTRIBUTION: \_\_\_\_\_

DATE: September 23, 1998
TO: Division of Legal Services (Elias)
FROM: Division of Electric and Gas (Lowery)
RE: Document Number 09973-98 - Florida Public Utilities Company

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

- cc: (With Attachments)
Wayne Makin
Division of Appeals
Grace Jaye, Division of Legal Services
(Without Attachments)
Joseph D. Jenkins
Robert L. Trapp
Cheryl Bulecza-Banks
Division of Records and Reporting

State of Florida



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

980003-GU

RECORDS AND  
REPORTING

98 OCT -2 PM 1:47

RECEIVED-FPSC

**DATE:** October 1, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *BERBB JOJ*  
**RE:** Document Number 10023-98 - City Gas Company of Florida

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

cc: (With Attachments)  
Wayne R. Makin  
Division of Appeals  
Grace Jaye, Legal Services  
(Without Attachments)  
Joseph D. Jenkins  
Robert L. Trapp  
Cheryl Bulecza-Banks  
✓ Division of Records and Reporting



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

980003-GU

DATE: October 1, 1998  
 TO: Division of Legal Services (Elias)  
 FROM: Division of Electric and Gas (Lowery) *RL* *RB* *JDS*  
 RE: Document Number 10328-98 - Florida Public Utilities Company

RECEIVED-FPSC  
 98 OCT -2 PM 1:47  
 RECORDS AND REPORTING

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

- cc: (With Attachments)
  - Wayne Makin
  - Division of Appeals
  - Grace Jaye, Division of Legal Services
  - (Without Attachments)
  - Joseph D. Jenkins
  - Robert L. Trapp
  - Cheryl Bulecza-Banks
  - ✓ Division of Records and Reporting



# Public Service Commission

RECORDS AND REPORTING

-M-E-M-O-R-A-N-D-U-M-

980003-GU

**DATE:** October 6, 1998

**TO:** Division of Legal Services (Elias)

**FROM:** Division of Electric and Gas (Lowery) *RLC*

**RE:** Document Numbers 10321-98, 10322-98, 10323-98 *JDJ*

City Gas Company of Florida

Confidential treatment has been requested for portions of the above referenced documents. I have reviewed the documents on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

- cc: (With Attachments)
  - Wayne R. Makin
  - Division of Appeals
  - Grace Jaye, Legal Services
- (Without Attachments)
  - Joseph D. Jenkins
  - Robert L. Trapp
  - Cheryl Bulecza-Banks
  - Division of Records and Reporting

RECORDS AND REPORTING

OCT - 8 PM 12: 36

RECEIVED-FPSC

State of Florida



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

980003-GU

---

**DATE:** October 6, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *Lowery* *JDT*  
**RE:** Document Number 10392-98 - City Gas Company of Florida

---

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lhf

Attachments

cc: (With Attachments)  
Wayne R. Makin  
Division of Appeals  
Grace Jaye, Legal Services  
(Without Attachments)  
Joseph D. Jenkins  
Robert L. Trapp  
Cheryl Bulecza-Banks  
Division of Records and Reporting

RECORDS AND  
REPORTING

98 OCT - 8 PM 12:36

RECEIVED-PPSC





# Public Service Commission

RECEIVED-FPSC  
98 OCT -9 AM 10:46

**-M-E-M-O-R-A-N-D-U-M-**

RECORDS AND REPORTING

DATE: October 5, 1998  
 TO: DIVISION OF LEGAL SERVICES (JAYE)  
 FROM: DIVISION OF AUDITING AND FINANCIAL ANALYSIS (VANDIVER, FREEMAN)  
 RE: RECOMMENDATION CONCERNING CITY GAS COMPANY OF FLORIDA, A DIVISION OF NUI CORPORATION (NUI/CITY GAS)', REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF THE STAFF AUDIT WORKING PAPERS OBTAINED DURING PREPARATION OF STAFF AUDIT REPORT NUMBERED 98-160-4-2, NUI/CITY GAS' PURCHASED GAS ADJUSTMENT, FOR THE 6 MONTH PERIOD ENDED MARCH 31, 1998, DOCKET NO. 980003-GU, DOCUMENT NOS. 08661-98 AND 09359-98

FPSC, CLK - CORRESPONDENCE  
 Administrative Parties Consumer  
 DOCUMENT NO. \_\_\_\_\_  
 DISTRIBUTION: \_\_\_\_\_

On August 14, 1998, staff filed document 08661-98 consisting of certain staff working papers prepared during the Commission staff's audit of the NUI/City Gas' Purchased Gas Adjustment for the 6-month period ended March 31, 1998. When an audit exit conference was held with the utility on August 5, 1998, the utility requested that these documents be temporarily excepted from public access in accordance with the provisions of Rule 25-22.006 (3)(a)(2), Florida Administrative Code.

On August 27, 1998, the utility filed a request pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3)(a)2, and (4), Florida Administrative Code, that certain portions of the staff working papers filed by staff in document 08661-98 receive confidential classification. The utility's filing included highlighted documents specifying confidential material (Document 09358-98) and edited documents for public inspection (Document 09359-98).

Pursuant to Section 119.07, Florida Statutes, documents submitted to this Commission are public records. The only exemptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. Section 366.093(3), Florida Statutes, provides the following general exemption:

“Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person’s or company’s business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:...

(d) 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 other services on favorable terms....”

### **Analysis of NUI/City Gas Request**

The utility seeks confidential classification for the portions of staff’s audit working papers which contains information which pertains to NUI/City Gas purchases of gas, specifically:

- a) Names of gas suppliers currently used by the utility;
- b) Deliveries by gate station;

According to the utility, release of this information “would be detrimental to the interests of NUI, and City Gas Company, and their customers, since competitors would be supplied with a list of (gas) suppliers and operating information.”

- c) Totals paid to gas suppliers; and

The utility states releasing this information “could provide competing suppliers with an advantage over NUI/City Gas. Suppliers may be less likely to make price concessions. Release of such information has the potential to lead to inflated price fixing by gas suppliers. Potentially, release of the aforementioned information could result in higher gas costs which would have to be released along to NUI/City Gas’ customers.”

**Analysis of NUI/City Gas Request (continued)**

- d) Transactions by NUI/City Gas to resolve gas imbalances as an alternative to the gas pipeline's (FGT's) gas imbalance settlement (cash out) program.

The utility reports; "Transactions of these types are with other pipeline customers. For competitive purposes only, NUI/City Gas must be assured that no other pipeline customer will be able to ascertain the parties involved in this transaction, or the prices of the components of such transaction, or the quantities involved in this transaction. Otherwise future transactions of this type may be put at undue risk."

NUI/City Gas asserts this information is treated as confidential and proprietary.

Lastly, the utility has requested that the information remain confidential for a period of at least 18 months as provided in Section 366.093(4), Florida Statutes.

**Technical Staff Recommendation**

We recommend the utility's request for confidential classification be approved as the documents provide information which could impair the ability of NUI/City Gas to negotiate future gas purchases. We further recommend confidential protection be limited to 18 months in accordance with the provisions of Section 366.093(4), Florida Statutes.

A detailed recommendation follows. This listing, as found, also provides the reason a confidential classification was recommended for each document.

Staff Work paper Number	Page(s)	Line(s)	Column(s)	Recommend	Type of Confidential Information
Documents 08661-98 and 09359-98					
43-2	1	15-73	All	Grant	Contractual information release of which may cause harm
43-2	2	1-3,16-18, 25-27	All	Grant	Contractual information release of which may cause harm

Staff Work paper Number	Page(s)	Line(s)	Column(s)	Recommend	Type of Confidential Information
Documents 08661-98 and 09359-98					
43-2/1	1	22-35	All	Grant	Contractual information release of which may cause harm
43-2/3	1-2		A-C	Grant	Contractual information release of which may cause harm
43-2/4	1		A-C	Grant	Contractual information release of which may cause harm
43-2/5	1	1-12	E-I	Grant	Contractual information release of which may cause harm
43-2/5	2		C-I	Grant	Contractual information release of which may cause harm
43-2/6	1	1-42	B-D	Grant	Contractual information release of which may cause harm
43-3	1	16-60	All	Grant	Contractual information release of which may cause harm
43-3	2	1-3,25-27	All	Grant	Contractual information release of which may cause harm
43-3/1	1	22-32	All	Grant	Contractual information release of which may cause harm

Staff Work paper Number	Page(s)	Line(s)	Column(s)	Recommend	Type of Confidential Information
43-3/1-1	1-3		C-E	Grant	Contractual information release of which may cause harm
Documents 08661-98 and 09359-98					
43-3/2	1		E-M	Grant	Contractual information release of which may cause harm
43-3/2-1	1	14-17,25-32, 44-53		Grant	Contractual information release of which may cause harm
43-4	1	17-74	22-32	Grant	Contractual information release of which may cause harm
43-4	2	1-3,25-27	22-32	Grant	Contractual information release of which may cause harm
43-4/1	1	22-32	22-32	Grant	Contractual information release of which may cause harm
43-4/2	1		D-F	Grant	Contractual information release of which may cause harm
43-4/3	1		E-H	Grant	Contractual information release of which may cause harm
43-4/3-1	1		A	Grant	Contractual information release of which may cause harm

Staff Work paper Number	Page(s)	Line(s)	Column(s)	Recommend	Type of Confidential Information
43-4/3-1	2-3		A-C	Grant	Contractual information release of which may cause harm
43-4/5	1	7-59	A-F	Grant	Contractual information release of which may cause harm
Documents 08661-98 and 09359-98					
43-4/5	2	1-10,16, 25-27	A,D,F,G	Grant	Contractual information release of which may cause harm
43-4/5	3	22-35	A,C,F	Grant	Contractual information release of which may cause harm
43-6/6-1	1-2		H-J,N,P, R-T	Grant	Contractual information release of which may cause harm
43-6/6-1/1	1		A-D	Grant	Contractual information release of which may cause harm
43-6/6-1/1	2		A	Grant	Contractual information release of which may cause harm
43-6/6-1/1	3		A-C	Grant	Contractual information release of which may cause harm
43-6/6-1/2	1		A,B	Grant	Contractual information release of which may cause harm

Staff Work paper Number	Page(s)	Line(s)	Column(s)	Recommend	Type of Confidential Information
43-6/6-1/2	2		A	Grant	Contractual information release of which may cause harm
43-6/6-1/2	3		A,B	Grant	Contractual information release of which may cause harm
Documents 08661-98 and 09359-98					
43-6/12	1	22-32	G-I,N-T	Grant	Contractual information release of which may cause harm

For a limited time, a copy of this recommendation is presented at I:09359-98.RAF

cc: Division of Financial Analysis (Slemkewicz, Welch, Wilson, Pelt)  
 Division of Electric and Gas (Bulecza)  
 Division of Records and Reporting (M. Sanders)

State of Florida



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

980003-GU

DATE: December 1, 1998  
 TO: Division of Legal Services (Elias)  
 FROM: Division of Electric and Gas (Lowery) *JDJ*  
 RE: Document Number 12916-98 - Florida Public Utilities Company

RECEIVED-FPSC  
 98 DEC -2 PM 3:21  
 RECORDS AND REPORTING

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

- cc: (With Attachments)
  - Wayne Makin
  - Division of Appeals
  - Grace Jaye, Division of Legal Services
- (Without Attachments)
  - Joseph D. Jenkins
  - Robert L. Trapp
  - Cheryl Bulecza-Banks
  - Division of Records and Reporting



State of Florida



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

980003-GU

**DATE:** December 1, 1998  
**TO:** Division of Legal Services (Elias) JNJ  
**FROM:** Division of Electric and Gas (Lowery) JNJ  
**RE:** Document Number 13105-98 - Tampa Electric Company d/b/a Peoples Gas System

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

- c: (With Attachments)
  - Division of Appeals
  - Grace Jaye, Division of Legal Services
- (Without Attachments)
  - Joseph D. Jenkins
  - Robert L. Trapp
  - Cheryl Bulecza-Banks
  - Division of Records and Reporting

RECEIVED-PPSC  
98 DEC - 2 PM  
RECORDS AND REPORTING

State of Florida



# Public Service Commission

**-M-E-M-O-R-A-N-D-U-M-**

980003-GU

RECEIVED FPSC  
DEC 24 AM 10:48  
RECORDS AND  
REPORTING

**DATE:** December 21, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *JDJ*  
**RE:** Document Number 13680-98 - City Gas Company of Florida

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

FPSC, CLK - CORRESPONDENCE  
 Administrative Parties Consumer  
 DOCUMENT NO. \_\_\_\_\_  
 DISTRIBUTION: \_\_\_\_\_

PEL:lkf  
 Attachments

- cc: (With Attachments)
  - Division of Appeals
  - Grace Jaye, Legal Services
- (Without Attachments)
  - Joseph D. Jenkins
  - Robert L. Trapp
  - Cheryl Bulecza-Banks
  - ✓ Division of Records and Reporting



# Public Service Commission

**-M-E-M-O-R-A-N-D-U-M-**

980003-GU

RECORDS AND  
REPORTING

98 NOV -6 AM 11:41

RECEIVED-FPSC

---

**DATE:** November 2, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *RLT*  
**RE:** Document Number 11557-98 - Florida Public Utilities Company

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Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

- cc: (With Attachments)  
Wayne Makin  
Division of Appeals  
Grace Jaye, Division of Legal Services  
(Without Attachments)  
Joseph D. Jenkins  
Robert L. Trapp  
Cheryl Bulecza-Banks  
✓ Division of Records and Reporting

State of Florida



# Public Service Commission

**-M-E-M-O-R-A-N-D-U-M-**

980003-GU

RECORDS AND REPORTING

98 NOV - 8 AM 11:41

RECEIVED-FPSC

**DATE:** November 2, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *REX* *RET*  
**RE:** Document Number 11910-98 - City Gas Company of Florida

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

- cc: (With Attachments)
  - Wayne R. Makin
  - Division of Appeals
  - Grace Jaye, Legal Services
  - (Without Attachments)
    - Joseph D. Jenkins
    - Robert L. Trapp
    - Cheryl Bulecza-Banks
    - Division of Records and Reporting



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

980003-GU

**DATE:** November 4, 1998  
**TO:** Division of Legal Services (Elias)  
**FROM:** Division of Electric and Gas (Lowery) *CRB RT*  
**RE:** Document Number 11685-98 - Tampa Electric Company d/b/a Peoples Gas System

RECEIVED - PPS  
 98 NOV - 6 AM 1:11  
 RECORDS AND REPORTING

Confidential treatment has been requested for portions of the above referenced document. I have reviewed the document on file in the Division of Records and Reporting. Results of my review are noted on the Exhibit to the request for confidential treatment (attached).

PEL:lkf

Attachments

- c: (With Attachments)
  - Division of Appeals
  - Grace Jaye, Division of Legal Services
- (Without Attachments)
  - Joseph D. Jenkins
  - Robert L. Trapp
  - Cheryl Bulecza-Banks
  - ✓ Division of Records and Reporting

STATE OF FLORIDA

COMMISSIONERS:  
E. LEON JACOBS, JR., CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770

## Public Service Commission

May 7, 2001

(CERTIFIED MAIL NO. 7000-0600-0026-4144-3683)

George M. Bachman  
CFO and Treasurer  
Florida Public Utilities Company  
401 South Dixie Highway  
West Palm Beach, Florida 33401

**Re: Return of Confidential Document to the Source, Docket No. 980003-GU**

Dear Mr. Bachman:

Pursuant to Commission Order PSC-98-1669-CFO-EI, Document No. 08520-98 can be returned to the source. The document is enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records

Enclosure

cc: Wayne Makin, Division of Competitive Services  
Cochran Keating, Division of Legal Services

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

GEORGE M BACHMAN  
CFO AND TREASURER  
FLORIDA PUBLIC UTILITIES COMPANY  
401 S DIXIE HWY  
WEST PALM BEACH FL 33401

4a. Article Number

7000-0600-0026-4144-3683

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

5. Received By: (Print Name)

Lila Monds

6. Signature: (Addressee or Agent)

X Lila Monds

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.