

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Purchased gas adjustment
(PGA) true-up.

DOCKET NO. 000003-GU
ORDER NO. PSC-00-2324-CFO-GU
ISSUED: December 5, 2000

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO PORTIONS OF FLORIDA
PUBLIC UTILITIES COMPANY'S PURCHASED GAS ADJUSTMENT FOR SEPTEMBER
2000 (DOCUMENT NO. 13314-00)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Florida Public Utilities Company (FPU) requests confidential classification for portions of its September, 2000, Purchased Gas Adjustment (PGA). This request for confidential classification was filed on October 19, 2000. The confidential information is filed with the Commission as Document No. 13314-00.

FPU asserts that the material for which confidential treatment is sought is intended to be and is treated by FPU as proprietary and confidential. FPU requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order. FPU asserts that this period is "necessary to allow FPU to negotiate future gas purchase contracts on favorable terms."

Specifically, FPU requests that the following information be granted confidential classification:

TABLE 1: CONTRACTUAL AND BID INFORMATION

SCHEDULE	PAGE(S)	LINE(S)	COLUMN(S)
Supporting Detail	4A	7-8	Vendor Invoice, Credit, Check, or Identifying Number, Invoice Amount, Classification Breakdown

DOCUMENT NUMBER-DATE

15513 DEC-58

FPSC-RECORDS/REPORTING

SCHEDULE	PAGE(S)	LINE(S)	COLUMN(S)
A-3	6A	1-45	Purchased From, System Supply, End Use, Total Purchased, Commodity Cost/Third Party, Other Charge ACA/GRI/Fuel, Total Cents Per Therm
A-4	7	1-19	Producer Name, Receipt Point, Gross Amount, Monthly Gross, Monthly Net, Wellhead Price, Citygate Price
GAS INVOICES	16-17	1-80	ALL

Pursuant to Section 366.093(3)(d), Florida Statutes, FPU states in its request that the information sought to be treated as confidential is intended to be and is treated by FPU as confidential, and if released, would impair FPU's ability to negotiate future gas purchase contracts on favorable terms.

FPU asserts that the above information represents negotiated gas supply packages purchased from suppliers other than Florida Gas Transmission Company, and contains the names of gas suppliers from whom FPU is purchasing gas supplies as well as volumes purchased and costs by gas supply source. Release of this information could provide competing gas suppliers with an advantage over FPU, and suppliers may be less likely to make price concessions. Release of specific fuel cost data would enable a third party to compute FPU's cost of gas by supplier. FPU contends that if the above information was released, it may potentially result in higher costs that would have to be passed along to FPU's customers, and would impair the efforts of FPU to contract for goods and services on favorable terms.

ORDER NO. PSC-00-2324-CFO-GU
DOCKET NO. 000003-GU
PAGE 3

FPU represents that it is necessary to keep the all natural gas supply invoices and related transactions confidential, with the exception of the Florida Gas Transmission Company invoices and transactions. FPU reasons that any person familiar with the format, fonts and/or type sizes used by each gas supplier in constructing their invoices could easily determine the identity of these suppliers. Release of any or all of the data contained in the invoices and transactions would be detrimental to the interests of FPU and its customers since it would provide a competitor with a list of FPU's suppliers. Additionally, some of the items requested to be treated as confidential include transactions by FPU that affect its PGA for imbalances traded and as an alternative to Florida Gas Transmission Company's cash out program. FPU requests that it "must be assured that no other pipeline customer will be able to ascertain the parties involved in this transaction with FPU nor the prices of the components of such transactions nor the quantities involved in this transaction." FPU asserts that if this information is released, future transactions of this type may be put at undue risk, and efforts to contract for goods and services on favorable terms would be impaired.

Upon review, this information appears to disclose rates and costs, suppliers, invoices, contractual information, vendors, and price and quantity of gas purchased. Because of its sensitive nature, it appears that the information described in the body of this Order is proprietary, confidential business information relating to bids and contracts, "the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods and services on favorable terms." Section 366.093(3), Florida Statutes. Therefore, FPU's request is granted. Pursuant to Section 366.093(4), Florida Statutes, this information shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order.

It is therefore


ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the information described in the body of this Order and contained in Document No. 13314-00 is granted confidential classification. It is further

ORDER NO. PSC-00-2324-CFO-GU
DOCKET NO. 000003-GU
PAGE 4

ORDERED that the information described in the body of this Order and contained in Document No. 13314-00 is 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 will be the only notification by the Commission to the parties of the declassification date of this document.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 5th day of December, 2000.



LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

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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.

ORDER NO. PSC-00-2324-CFO-GU

DOCKET NO. 000003-GU

PAGE 5

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, 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.