

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Purchased Gas Adjustment  
(PGA) True-Up.

DOCKET NO. 000003-GU  
ORDER NO. PSC-00-2328-CFO-GU  
ISSUED: December 5, 2000

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIALS  
OBTAINED IN PREPARATION OF THE PURCHASED GAS ADJUSTMENT AUDIT OF  
FLORIDA PUBLIC UTILITIES COMPANY FOR THE YEAR ENDING DECEMBER,  
1999 (DOCUMENTS NOS. 08565-00 AND 09180-00)

Florida Public Utilities Company (FPU or Company) requests confidential classification of certain materials obtained during the Purchased Gas Adjustment Audit, Audit No. 003-4-1 (Audit). FPU makes this request pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3)(a)(2) and (4), Florida Administrative Code. FPU asserts that this information is intended to be, and is treated by FPU and its affiliates as confidential information and has not been disclosed to the public. This request for confidential classification was filed on July 31, 2000. The information for which FPU requests confidential treatment is filed with the Commission as Documents Nos. 08565-00 and 09180-00.

FPU requests that the following work papers be granted confidential classification:

WORK PAPER PAGE(S)	LINE(S)	COLUMN(S)	TYPE OF INFORMATION
41-1/6/3/1	10-25	B & C	BTU Calculation Input Sheet (Feb. 1999)
41-2/5-2/1	10-25	B & C	BTU Calculation Input Sheet (May 1999)
41-3/1	ALL	ALL	Calculation of Off System Sales Profit (April 1999)
41-3/3	10-13	A, B, C	FPU Off System Sales Invoice (April 1999)
41-3/3	19	E, F, G, H	FPU Off System Sales Invoice (April 1999)
41-3/3	27-30	A, B, C	FPU Off System Sales Invoice (April 1999)

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

WORK PAPER PAGE(S)	LINE(S)	COLUMN(S)	TYPE OF INFORMATION
41-3/3	36-48	H, I, J, K	FPU Off System Sales Invoice (April 1999)
41-3/3	50	K	FPU Off System Sales Invoice (April 1999)
41-3/3	57-62	F, G	FPU Off System Sales Invoice (April 1999)
41-3/4	1-22	----	PGA Schedule A-4 (April 1999)
41-3/6	ALL	ALL	Calculation of Off System Sales Profit (July 1999)
41-3/8	10-13	A, B, C	FPU Off System Sales Invoice (July 1999)
41-3/8	19	E, F, G, H	FPU Off System Sales Invoice (July 1999)
41-3/8	27-30	A, B, C	FPU Off System Sales Invoice (July 1999)
41-3/8	36-48	H, I, J, K	FPU Off System Sales Invoice (July 1999)
41-3/8	50	K	FPU Off System Sales Invoice (July 1999)
41-3/8	57-62	F, G	FPU Off System Sales Invoice (July 1999)
41-3/9	1-15	----	PGA Schedule A-4 (July 1999)
43-1	7-10	----	Supporting Document to PGA Schedule A-1 (April 1999)
43-1/7	1-80	----	Gas Supplier's Invoice (May 1999)

WORK PAPER PAGE(S)	LINE(S)	COLUMN(S)	TYPE OF INFORMATION
43-1/8	1-80	----	Gas Supplier's Invoice (May 1999)
43-1/9	1-80	----	Gas Supplier's Invoice (May 1999)
43-1/10	1-80	----	Gas Supplier's Invoice (April 1999)
43-2	7-10	----	Supporting Document to PGA Schedule A-1 (July 1999)
43-2/8	1-80	----	Gas Supplier's Invoice (July 1999)
43-2/9	1-80	----	Gas Supplier's Invoice (July 1999)
43-2/10	1-80	----	Gas Supplier's Invoice (July 1999)

FPU asserts that the information above represents negotiated gas supplies purchased from suppliers other than Florida Gas Transmission Company and deliveries by gate station, as well as competitively made Off System Sales data. FPU contends that the prices vary based on the operational flexibility of each contract. FPU maintains that the information contains the names of gas suppliers from whom the Company purchases gas supplies. Therefore, FPU asserts that release of supplier names and gas tendered by gas station would be detrimental to the interest of the Company and its customers.

Additionally, FPU asserts that the information above represents totals paid to gas suppliers and therefore, releasing such information could provide competing gas suppliers with an advantage over FPU. The Company contends that suppliers may be less likely to make price concessions which could lead to inflated price fixing by suppliers. Therefore, FPU asserts that release of the information could result in higher costs which would have to be passed along to FPU's customers.

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FPC maintains that this information represents transactions by the Company and affects its PGA for imbalances traded and as an alternative to Florida Gas Transmission Company's cash out program. The Company asserts that transactions of this type are with other pipeline customers. Therefore, FPU contends that this information is contractual information which, if made public, "would impair the efforts of the Company to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes.

#### CONCLUSION

Upon review it appears that the information discussed above is proprietary, confidential business information and should be given confidential treatment, pursuant to Section 366.093(4), Florida Statutes, for a period of eighteen months from the date of the issuance of this Order. Based on the foregoing, FPU's request for confidential treatment of Documents Nos. 08565-00 and 09180-00 is granted.

It is therefore


ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the information described in Florida Public Utilities Company's request for confidential treatment of certain materials obtained during the purchased gas adjustment audit for the year ending December, 1999, Documents Nos. 08565-00 and 09180-00, is granted confidential classification. It is further

ORDERED that the information described within the body of this Order shall be granted confidential treatment for 18 months. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

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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.

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)

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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.