

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for rate increase
by City Gas Company of Florida.

DOCKET NO. 000768-GU
ORDER NO. PSC-01-0204-CFO-GU
ISSUED: January 23, 2001

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
DOCUMENT NO. 16028-00 (X-REF DOCUMENTS NO. 15876-00 AND 14582-00)

On August 25, 2000, City Gas Company of Florida, a division of NUI Corporation (City Gas) filed a petition for a permanent rate increase. Staff conducted an audit of City Gas as part of the review for the rate increase.

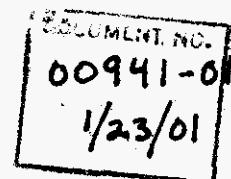
On November 21, 2000, at the audit exit conference, Staff provided City Gas certain portions of a request for work papers from the audit. City Gas requested that the material be temporarily exempted from public access in accordance with Rule 25-22.006(3)(a), Florida Administrative Code. Staff filed the work papers, which were assigned Document No. 14582-00.

On December 12, 2000, City Gas filed a Request for Confidential Classification of the material pursuant to Section 366.093, Florida Statutes. The material was comprised of Staff working papers and other types of documents prepared for the audit of City Gas, and was assigned Document No. 15876-00. The submittal however, included only redacted copies of the pages subject to the Request. On December 15, 2001, City Gas submitted the pages with the confidential information highlighted. The December 15, 2001, submittal was assigned Document No. 16028-00.

The information for which City Gas requests confidentiality consists of:

1. Portions of the Directors' minutes pertaining to future business plans and strategies; and,
2. Customer specific billing information.

City Gas claims that the Directors' minutes are competitive information the release of which would harm the company. The billing information is proprietary to the customer and to City Gas.



Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(3)(a)2, Florida Administrative Code, provides that it is the petitioner's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 366.093, Florida Statutes, or to demonstrate that the information is proprietary confidential business information, the disclosure of which will cause the petitioner or its ratepayers harm.

Section 366.093, Florida Statutes, provides:

The term "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 that the information will not be released to the public.

Upon review I find that the information in the Request satisfies the criteria for proprietary confidential business information for the reasons provided by City Gas. Therefore, the Request for Confidential Classification is granted.

Section 366.093(4), Florida Statutes, provides that "any finding by the Commission that records contain proprietary confidential business information is effective for a period not to exceed 18 months, unless good cause is shown for a specified longer period." City Gas did not specify a time period in its request. Therefore, this information shall be granted confidential classification for a period of 18 months from the date this Order is issued.

Based on the foregoing, it is

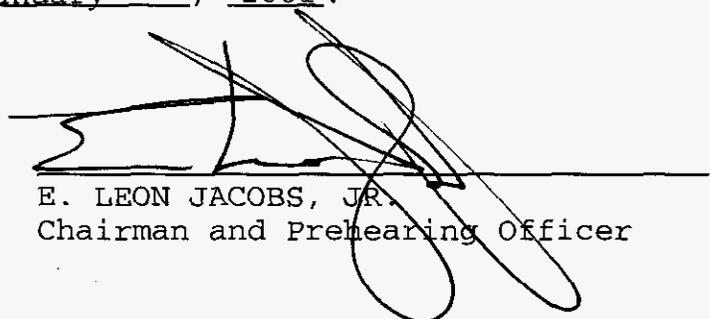
ORDERED by Chairman E. Leon Jacobs that the Request for Confidential Classification filed by City Gas Company of Florida is

ORDER NO. PSC-01-0204-CFO-GU
DOCKET NO. 000768--SWI
PAGE 3

granted for a period of 18 months from the date the Order is issued. It is further

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

By ORDER of Chairman E. Leon Jacobs, Jr. as Prehearing Officer, this 23rd Day of January, 2001.



E. LEON JACOBS, JR.
Chairman and Prehearing Officer

(S E A L)

MKS

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida

ORDER NO. PSC-01-0204-CFO-GU
DOCKET NO. 000768-GU
PAGE 4

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.