

Flynn

State of Florida



Public Service Commission

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

DATE: August 16, 2001
TO: Division of Legal Services (Cochran Keating)
FROM: Division of Regulatory Oversight (Freeman, Vandiver)
RE: Docket 010003-GU, Recommendation concerning a request from City Gas Company of Florida, a division of NUI Corporation (NUI City Gas), for confidential classification for a portion of the staff working papers obtained during the preparation of audit report numbered 01-064-4-1, NUI City Gas Purchased Gas Adjustment Audit for the year ended December 31, 2000, Documents Numbered 08292-01, 08293-01 and 08903-01

On June 30, 2001, when copies of certain portions of staff's working papers obtained or prepared during the NUI City Gas Purchased Gas Adjustment audit for the year ended December 31, 2000, were delivered to NUI City Gas at the audit exit conference, the utility requested that these materials be temporary excepted from public access in accordance with the provisions of Rule 25-22.006(3)(a)(2), Florida Administrative Code (FAC). On July 6, 2001, staff filed documents 08292-01, and 08293-01 consisting of those specified portions of the staff working papers.

On July 20, 2001, the utility filed a request pursuant to Section 366.093, Florida Statutes (F.S.) and Rule 25-22.006(3)(a)(2) and (4), FAC, that selected portions of the working papers prepared by staff during the audit receive confidential classification. The utility's request includes redacted copies for public inspection (document 08904-01) and highlighted copies (document 08903-01).

Documents 08292-01, 08293-01 and 08903-01 are currently held by the Commission's Division of the Commission Clerk and Administrative Services as confidential pending resolution of the NUI City Gas request for confidential classification.

Pursuant to Section 119.07, F.S., documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific items of a statutory provision. Subsection 366.093(3)(d) provides the following exemption:

DOCUMENT NUMBER-DATE

10170 AUG 17 01

FPSC-COMMISSION CLERK

"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. 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 and services on favorable terms...."

According to Section 366.093, F.S., and Rule 25-22.006, FAC, the utility has the burden of demonstrating that materials qualify for confidential classification. According to rule 25-22.006, FAC, the utility must meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information or the ratepayer harm.

Staff Analysis of the Request

Reading the NUI City Gas filing reveals the sensitive material consists of:

1. Confidential customer information including name address, phone number or fax number.

Note: The Commission has exercised a long term policy of allowing a confidential classification for customer-specific account and usage information, for example: see Commission Order 22851, dated April 23, 1990; Order 96-1478, dated December 4, 1996; Order 98-0421, dated March 24, 1998; Order 98-0620, dated may 4, 1998; and Order 00-1569, dated August 31, 2000.

2. Information regarding the divisions of NUI other than City Gas

Staff Analysis of the Request (continued)

- 3. Unpublished confidential rate information; and
- 4. Confidential information regarding pricing and price structure.

NUI City Gas reports the above-listed material describes sensitive information concerning gas supplies purchased from vendors other than the Florida Gas Transmission Company as well as deliveries by gate station. Prices for these supplies vary based upon the operation flexibility of each contract. NUI and City Gas Company allege release of price and volume negotiations would be detrimental to the interests of NUI and City Gas Company and its customers, since competitors would have access to operational information which would impair the efforts of NUI and City Gas to contract for goods and services on favorable terms.

NUI City Gas seeks a confidential classification of these materials for 18 months to allow negotiation of future gas contracts on favorable terms.

Staff Recommendation

Based upon reading the filing, and for the reasons presented above, we recommend the utility's request be granted and that the identified material be granted a confidential classification for 18 months.

A detailed recommendation, as found, regarding the material follows:

Detailed Recommendation as found

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08292-01 and 08903-01				
41-3/1	1	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08292-01 and 08903-01				
41-3/1	2	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm
41-3/2	1	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-3/2	2	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-4/2	1-13	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-1	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-2	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08292-01 and 08903-01				
41-5/2-3	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-4	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-5	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-6	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-7	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-8	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-9	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08292-01 and 08903-01				
41-5/2-10	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-11	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-12	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-13	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-14	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-15	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-16	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08292-01 and 08903-01				
41-5/2-17	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-18	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-19	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-20	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-21	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-22	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm
41-5/2-23	1	Fields: Customer Name, Address, Account Number	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08292-01 and 08903-01				
41-5/3	1	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	2	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm
41-5/3	3	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	4	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm
41-5/3	5	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	6	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
41-5/3	7	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	8	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm
41-5/3	9	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	10	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm
41-5/3	11	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	12	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
41-5/3	13	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	14	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm
41-5/3	15	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	16	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm
41-5/3	17	Cols: Rate Code, Volumetric Energy Charge, Cost of Gas	Grant	Contractual information release of which could cause harm
41-5/3	18	Lines 2-4, Cols: Customer Class, Service Charge, Total Charge All Lines, Cols: Rate Code, Volumetric Energy Charge	Grant	Contractual information release of which could cause harm
Documents 08293-01 and and 08903-01				
43-2	1	Cols: 02,24,25,23,07,08, 02	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08293-01 and and 08903-01				
43-2/1-2	1	Fields: Base Amount, Adjust (+/-), Price Type	Grant	Contractual information release of which could cause harm
43-2/1-3	1	Fields: Base Amount, Adjust (+/-), Price Type	Grant	Contractual information release of which could cause harm
43-2/1-6	1	Fields: Base Amount, Adjust (+/-); Price Type	Grant	Contractual information release of which could cause harm
43-3	1	Cols: 23,02,24,07,08,02, 25	Grant	Contractual information release of which could cause harm
43-3/1	1-4	All Columns except: CGF and Total	Grant	Contractual information release of which could cause harm
43-3/1-3	1	Fields: Base Amount, Adjust (+/-), Price Type	Grant	Contractual information release of which could cause harm
43-3/1-4	1-2	Fields: Base Amount, Adjust (+/-), Price Type	Grant	Contractual information release of which could cause harm
43-1/1-4	3	Fields: Price	Grant	Contractual information release of which could cause harm
43-3/2	1	All Columns except: CGFO and Total	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08293-01 and and 08903-01				
43-3/2-1	1	All Columns except: CGF and Total	Grant	Contractual information release of which could cause harm
43-3/2-1	2-3	All Columns except: CGF	Grant	Contractual information release of which could cause harm
43-3/2-1/1-1	1,3	Fields: Base Amount, Adjust (+/-), Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-3/2-1/1-2	1-3	Fields: Base Amount, Adjust (+/-), Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-3/2-1/1-2	4	Field: Price	Grant	Contractual information release of which could cause harm
43-3/2-1/1-3	1	Fields: Base Amount, Adjust (+/-), Price Type, Price Point Type, Price Point	Grant	Contractual information release of which could cause harm
43-3/2-2	1	All Columns except: CGF	Grant	Contractual information release of which could cause harm
43-3/3	1	All Columns except: CGF and Total	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08293-01 and and 08903-01				
43-4	1	All Columns except: CGF and Total	Grant	Contractual information release of which could cause harm
43-4/1	3	All lines except: City Gas of Florida	Grant	Contractual information release of which could cause harm
43-4/1-2	2	Fields: Base amount, Adjust (+/-), Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-4/1-2	3	Field: Price	Grant	Contractual information release of which could cause harm
43-4/1-2	4	Fields: Base amount, Adjust (+/-), Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-4/1-2	5	Field: Price	Grant	Contractual information release of which could cause harm
43-4/2	1	All columns except: Balance	Grant	Contractual information release of which could cause harm
43-5	1-2	All columns except: City Gas and Total	Grant	Contractual information release of which could cause harm
43-5/1	1	All columns except: CGFO and Total	Grant	Contractual information release of which could cause harm
43-5/2	3	All lines after: Total City Gas of Florida	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08293-01 and and 08903-01				
43-5/3	1	Cols: Dept., Journal ID, Seq. Line, Debit, Credit	Grant	Contractual information release of which could cause harm
43-6/2-2/3	1	Fields: Base Amount, Adjust(+/-), Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-6/1	1	All lines except: City Gas of Florida	Grant	Contractual information release of which could cause harm
43-6/3-2/4	1-2	Cols: Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-6/3-2/4	3-5	Fields: Base Amount, Adjust (+/-), Price Type Price point	Grant	Contractual information release of which could cause harm
43-6/3-3	1	All lines except: City Gas of Florida	Grant	Contractual information release of which could cause harm
43-6/4-2/1	1	All lines except: City Gas of Florida	Grant	Contractual information release of which could cause harm

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 08293-01 and and 08903-01				
43-6/4-2/2	1	Fields: Base Amount, Adjust (+/-), Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-6/4-2/2	2-3	Cols: Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-6/4-2/3	1	Fields: Base Amount, Adjust (+/-), Price Type, Price Point	Grant	Contractual information release of which could cause harm
43-6/4-2/3	2-3	Cols: Price Type, Price Point	Grant	Contractual information release of which could cause harm

A temporary copy of this recommendation will be held at I:08903-01.RAF for a short period.

CC: Division of Regulatory Oversight (Welch)
 Division of Commission Clerk and Administrative Services (Flynn)