



Public Service Commission

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

DATE: August 16, 2001
TO: Division of Commission Clerk and Administrative Services (Flynn)
FROM: Division of Regulatory Oversight (Freeman, Vandiver)
RE: Docket 010003-GU, Request for release of documents 08291-01 and 08294-01 concerning certain portions of the staff audit report and staff working papers obtained or prepared during the City Gas Company of Florida, a division of NUI Corporation (NUI City Gas), Purchased Gas Adjustment Audit for the year ended December 31, 2000, report numbered 01-064-4-1

Please release documents 08294-01 and 08291-01 to the Division of Regulatory Oversight.

On June 30, 2001, when copies of certain portions of the staff audit report and staff working papers obtained or prepared during the 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 08294-01, and 08291-01, 08292-01 and 08293-01 consisting of those specified portions of the staff audit report and 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 did not request a confidential classification for any portions of either the staff audit report (document 08294-01) or material contained in staff's working paper binder 2 of 4 (document 08291-01).

Documents 08294-01 and 08291-01 are currently held by the Division of the Commission Clerk and Administrative Services as confidential pending resolution of the NUI City Gas request for confidential classification.

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Rule 25-22.006(3)(a)(2), FAC provides that failure to request a confidential classification within 21 days after the audit exit conference shall constitute a waiver of confidentiality. More than 21 days have passed since the June 30 audit exit conference, we therefore request that documents 08294-01 and 08291-01 be returned to the Division of Regulatory Oversight.

CC: Division of Regulatory Oversight (Welch)
Division of Legal Services (Cochran Keating)

DOCUMENT NUMBER-DATE
10488 AUG 23 01
FPSC-COMMISSION CLERK