

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 010003-GU
ORDER NO. PSC-01-2248-CFO-GU
ISSUED: November 16, 2001

ORDER GRANTING FLORIDA PUBLIC UTILITIES COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF AUDIT WORKPAPERS FOR PORTIONS OF
ITS PURCHASED GAS ADJUSTMENT AUDIT FOR YEAR ENDED
DECEMBER 31, 2000 (DOCUMENT NOS. 07733-01 AND 07494-01)

On June 15, 2001, pursuant to Rules 25-22.006(3)(a)2, and (4), Florida Administrative Code, and Section 366.093, Florida Statutes, Florida Public Utilities Company (FPU) requests confidential classification for portions of its Purchased Gas Adjustment (PGA) audit for the year ended December 31, 2000, identified as Audit Control No. 01-064-43. The information for which FPU requests confidential treatment is filed with the Commission as Documents No. 07733-01 and 07494-01.

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

WORK PAPER PAGE(S)	LINE(S)	COLUMN(S)	TYPE OF INFORMATION
41-3, pg. 1	1-13 14-22	A, B, C ALL	Summary of Off System Sales
41-3, pg. 2	ALL	ALL	Summary of Off System Sales
41-3/1	3	F, G, H	FPU Off System Sales Profit (May 2000)
41-3/1	10, 12	B, D, F	FPU Off System Sales Profit (May 2000)
41-3/1	14, 16, 18	B, D, F, H, J	FPU Off System Sales Profit (May 2000)
41-3/1	23	L, N	FPU Off System Sales Profit (May 2000)

DOCUMENT NUMBER-DATE

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WORK PAPER PAGE(S)	LINE(S)	COLUMN(S)	TYPE OF INFORMATION
41-3/1-1	ALL	ALL	FPU Off System Sales Reservation Charge
41-3/2	A-H, J	2	FPU Off System Sales Profit Margin
41-3/3	10-13	A, B, C	FPU Off System Sales Invoice (June 2000)
41-3/3	19	E, F, G, H	FPU Off System Sales Invoice (June 2000)
41-3/3	27-30	A, B, C	FPU Off System Sales Invoice (June 2000)
41-3/3	36-43	H, J, K	FPU Off System Sales Invoice (June 2000)
41-3/3	45, 47	H, K	FPU Off System Sales Invoice (June 2000)
41-3/3	49	H, J, K	FPU Off System Sales Invoice (June 2000)
41-3/3	51	K	FPU Off System Sales Invoice (June 2000)
41-3/3	56-62	B, C, D, E, F, G	FPU Off System Sales Invoice (June 2000)
41-3/4	1-16	ALL	FPU Off System Sales Average Price (May 2000)
41-3/6	3	F, G, H	FPU Off System Sales Profit Margin (Nov. 2000)
41-3/6	10, 12	B, D, F	FPU Off System Sales Profit Margin (Nov. 2000)

WORK PAPER PAGE(S)	LINE(S)	COLUMN(S)	TYPE OF INFORMATION
41-3/6	14, 16, 18	B, D, F, H, J	FPU Off System Sales Profit Margin (Nov. 2000)
41-3/6	23	L, N	FPU Off System Sales Profit Margin (Nov. 2000)
41-3/7	A-H, J	2	FPU Off System Sales Profit Margin (Nov. 2000)
41-3/8	10-13	A, B, C	FPU Off System Sales Invoice (Dec. 2000)
41-3/8	19	E, F, G, H	FPU Off System Sales Invoice (Dec. 2000)
41-3/8	27-30	A, B, C	FPU Off System Sales Invoice (Dec. 2000)
41-3/8	36	H, J, K	FPU Off System Sales Invoice (Dec. 2000)
41-3/8	45-47	H, K	FPU Off System Sales Invoice (Dec. 2000)
41-3/8	49	H, J, K	FPU Off System Sales Invoice (Dec. 2000)
41-3/8	51	K	FPU Off System Sales Invoice (Dec. 2000)
41-3/8	56	B, C, D, E, F, G	FPU Off System Sales Invoice (Dec. 2000)
41-3/9	1-25	ALL	FPU Off System Sales Average Price
43-1	7-11	A, B, D, H	Cost of Gas Invoice (May 2000)
43-1/7	ALL	ALL	Cost of Gas Invoice (May 2000)

WORK PAPER PAGE(S)	LINE(S)	COLUMN(S)	TYPE OF INFORMATION
43-1/8	ALL	ALL	Cost of Gas Invoice (May 2000)
43-1/9	ALL	ALL	Cost of Gas Invoice (May 2000)
43-1/10	ALL	ALL	Cost of Gas Invoice (May 2000)
43-2	8, 9, 10	A, B, D, H	Cost of Gas Summary (Nov. 2000)
43-2/6	ALL	ALL	Cost of Gas Invoice (Nov. 2000)
43-2/7	ALL	ALL	Cost of Gas Invoice (Nov. 2000)
43-2/8	ALL	ALL	Cost of Gas Invoice (Nov. 2000)

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 since it would provide a competitor with a list of FPU's suppliers and operating information.

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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FPU requests confidential classification of at least 18 months to negotiate future gas purchase contracts on favorable terms. However, Work Papers 41-3/9, 43-2, 43-2/6, 43-2/7, and 43-2/8 involving November 2000 operations have already been granted protection until November 25, 2002, pursuant to Order No., PSC-01-1182-CFO-GU, issued May 25, 2001.

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. Work papers 41-3/9, 43-2, 43-2/6, 43-2/7, and 43-2/8 shall be held confidential classification until November 25, 2002. The remaining material should be granted confidential classification 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. 07733-01 and 07494-01 is granted.

It is therefore

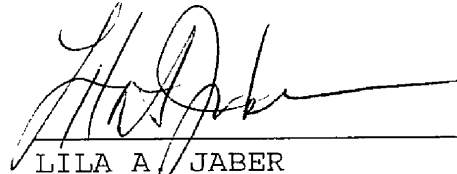
ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the information described in Florida Public Utilities Company's request for confidential treatment of certain materials obtained during the purchased gas adjustment audit for the year ending December 31, 2000, Documents Nos. 07733-01 and 07494-01, is granted confidential classification. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,
this 16th day of November, 2001.



LILA A. JABER
Commissioner and Prehearing Officer

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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.

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 25-22.038(2), 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

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the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.