

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Purchased gas adjustment (PGA) true-up.

DOCKET NO. 050003-GU
ORDER NO. PSC-05-0233-CFO-GU
ISSUED: March 1, 2005

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR
CERTAIN MATERIALS OBTAINED IN PREPARATION OF THE
PURCHASED GAS ADJUSTMENT AUDIT (AUDIT NO. 04-043-4-1)
OF CITY GAS COMPANY OF FLORIDA, A DIVISION OF NUI CORPORATION, FOR THE
TWELVE MONTHS ENDING DECEMBER 31, 2003
(DOCUMENTS NOS. 09869-04, 09870-04, 09871-04, 09872-04, 09873-04,
10225-04, and 12228-04)

Pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, City Gas Company of Florida, a division of NUI Corporation (NUI/City Gas), filed a request for confidential classification for portions of its Purchased Gas Adjustment (PGA) audit for the twelve months ending December 31, 2003, contained in Documents Nos. 09869-04, 09870-04, 09871-04, 09872-04, 09873-04, 10225-04, and 12228-04. NUI/City Gas requests confidential classification of various workpapers produced during the audit. NUI/City Gas asserts that this information is intended to be, and is, treated by NUI/City Gas as proprietary and has not been disclosed. NUI/City Gas requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order pursuant to Section 366.093(4), Florida Statutes.

NUI/City Gas seeks confidential classification for invoices containing customer specific information. NUI/City Gas argues that customer names, customer addresses, telephone numbers, and rates should not be disclosed as release of this information would harm the competitive businesses of NUI/City Gas, its affiliates, and their customers, pursuant to Section 366.093(3)(e), Florida Statutes, which protects information relating to competitive interests. NUI/City Gas also requests confidential classification for other contractual data including information concerning the identity of gas supplier(s) or customers, rates, total costs, and other contractual terms related to gas purchased or sold by City Gas. NUI/City Gas asserts that the sensitive contractual and competitive information, if disclosed, would impair the efforts of the utility or its affiliates to contract for goods or services on favorable terms pursuant to Section 366.093(3)(d), Florida Statutes, which protects bids or contractual data.

NUI/City Gas asserts that the information contained in the following table also represents negotiated gas supplies purchased from suppliers other than Florida Gas Transmission Company (FGT) and deliveries by gate station. Prices vary based on the operational flexibility of each contract. This data contains the name of gas suppliers from whom NUI/City Gas and its affiliates are purchasing gas supplies. NUI/City Gas maintains that release of suppliers' names

DOCUMENT NUMBER-DATE

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and gas tendered by gate stations would be detrimental to the interests of NUI, City Gas Company of Florida, and their customers. NUI/City Gas contends that this is because competitors would be supplied with a list of suppliers and operating information. NUI/City Gas also asserts that this data includes information concerning the totals paid to gas suppliers. NUI/City Gas maintains that releasing such information could provide competing gas suppliers with an advantage over NUI/City Gas. Suppliers may be less likely to make price concessions. Release of such information, according to NUI/City Gas, has the potential to lead to inflated price fixing by gas suppliers. NUI/City Gas contends that, potentially, release of the information discussed in Staff Work Papers above, may result in higher gas costs which would have to be passed along to NUI/City Gas customers and would impair NUI/City Gas' efforts to contract for goods and services on favorable terms.

NUI/City Gas also seeks confidential treatment for an investigation of the company's internal audit controls conducted by Stier Anderson, Deloitte & Touche, and Liberty. NUI/City Gas maintains that the audits relate to internal auditing controls and reports of internal auditors, which are protected under Section 366.093(3)(b), Florida Statutes. NUI/City Gas asserts that the material is sensitive competitive business information which, if disclosed, would impair the competitive business of the provider of the information pursuant to Section 366.093(3)(e), Florida Statutes. In addition, NUI/City Gas contends that the disclosure of this information would impair the efforts of the utility or its affiliates to contract for goods or services on favorable terms, pursuant to Section 366.093(3)(d), Florida Statutes.

NUI/City Gas requests confidential classification for the information listed in the following table:

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 09869-04 and 12228-04			
1	6	1-9	Sensitive contractual and competitive business information
1	7	1-19	Sensitive contractual and competitive business information
1	8	1-9	Sensitive contractual and competitive business information
1	9	1-3	Sensitive contractual and competitive business information
1	11	1-8	Gas supplier/customer information
41-4/1	1	1-12	Customer specific account information
41-4/1-1	1-13	1-3	Customer specific account information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-4/2	1	1-12	Customer specific account information
41-4/2-1	1-12	1-3	Customer specific account information
41-4/3	1	1-12	Customer specific account information
41-4/3-1	1-12	1-3	Customer specific account information
41-4/4	1	1-11	Customer specific account information
41-4/4-1	1-12	1-3	Customer specific account information
41-4/5	1	1-8	Customer specific account information
41-4/5-1	1-12	1-3	Customer specific account information
41-4/5-2	1	1-3	Customer specific account information
41-4/6	1	1-10	Customer specific account information
41-4/6-1	1-12	1-3	Customer specific account information
41-4/7	1	1-12	Customer specific account information
41-4/7-1	1-12	1-3	Customer specific account information
41-4/7-2	1	1-3	Customer specific account information
41-4/8	1	1-9	Customer specific account information
41-4/8-1	1-16	1-3	Customer specific account information
43-2/1	1-6	1-4	Banking Information
43-2/2	1-3	1-4	Banking Information
43-2/5	1	All	Banking and gas supplier/customer information
43-2/5-1	1	1-17	Gas supplier/customer information
43-2/5-1/1	1	1-4	Gas supplier/customer

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
			information
43-2/5-1/2	1	1-11	Gas supplier/customer information
43-2/5-1/2	2	1-10	Gas supplier/customer information
43-2/5-1/5	1	1	Contractual data concerning gas supplies
43-2/5-1/5	2	1	Contractual data concerning gas supplies
43-2/5-1/5	3	1-18	Contractual data concerning gas supplies
43-2/5-1/5	4	1-13	Contractual data concerning gas supplies
43-2/5-1/5	5	1-22	Contractual data concerning gas supplies
43-2/5-1/6			Contractual data concerning gas supplies
43-2/5-1/6	2	1-5	Contractual data concerning gas supplies
43-2/5-1/6	3	1-2	Contractual data concerning gas supplies
43-2/5-1/6	4	1-14	Contractual data concerning gas supplies
43-2/5-1/6	5	1-23	Contractual data concerning gas supplies
43-2/5-1/6	6	1-12	Contractual data concerning gas supplies
43-2/5-1/6			Contractual data concerning gas supplies
43-2/5-1/6	8	1-3	Contractual data concerning gas supplies
43-2/5-1/6	9-10	1	Contractual data concerning gas supplies
43-2/5-1/6	11	1-6	Contractual data concerning gas supplies
43-2/5-1/6	12-14	1	Contractual data concerning gas supplies
43-2/5-1/6	15	1-18, 24,32	Contractual data concerning gas
43-2/5-1/6	15	19-23	

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 09870-04 and 10225-04			
43-2/5-1/6	16	1-5	Contractual data concerning gas supplies
43-2/6	1	1-4	Banking information
43-2/8	1-2	All	Banking information and gas supplier/ customer information
43-2/9	1	All	Banking information and gas supplier/ customer information
43-2/10	1-2	All	Banking information and gas supplier/ customer information
43-2/11	1	All	Banking information and gas supplier/ customer information
43-2/12	1-2	All	Banking information and gas supplier/ customer information
43-2/13	1-3	All	Banking information and gas supplier/ customer information
43-2/14	1	All	Banking information and gas supplier/ customer information
43-2/15	1	All	Banking information and gas supplier/ customer information
43-2/16	1-4	All	Banking information and gas supplier/ customer information
43-2/17	1-2	All	Banking information and gas supplier/ customer information
43-2/18	1-2	All	Banking information and gas supplier/ customer information
43-2/19	1	All	Gas supplier/customer information
43-2/20	1	All	Gas supplier/customer information
43-2/24	1-2	All	Gas supplier/customer information
43-2/29	1-2	All	Gas supplier/customer information
43-2/30	1-2	All	Banking information and gas supplier/ customer information
43-2/31	1	All	Gas supplier/customer information
43-2/32	1-2	All	Banking information and gas supplier/ customer information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 09870-04 and 10225-04			
43-2/33	1-2	All	Gas supplier/customer information
43-3/5	1	All	Banking information and gas supplier/ customer information
43-4/20	1-3	All	Banking information and gas supplier/ customer information
43-4/21	5	1	Banking information
43-4/21-1	1	1	Banking information
43-4/21-1	6	1	Banking information
43-5/1-1	1	All	Banking information and gas supplier/ customer information
43-5/1-1/1	1	1-3	Gas supplier/customer information
43-5/1-1/2	1	1-5	Gas supplier/customer information
43-5/1-2	1	All	Banking information and gas supplier/ customer information
43-5/1-3	1	All	Banking information and gas supplier/ customer information
			supplier/ customer information
43-5/1-4/1	1	1-2	Gas supplier/customer information
43-5/1-4/2	1	1-5	Gas supplier/customer information
43-5/1-4/3	1	1-3	Gas supplier/customer
43-5/1-5	1	All	Banking information and gas supplier/ customer information
			supplier/ customer information
43-5/1-7	1	All	Banking information and gas supplier/ customer information
43-5/1-8	1	All	Banking information and gas supplier/ customer information
43-5/1-9	1	All	Banking information and gas supplier/ customer information
43-5/1-9/1	1	1-4	Gas supplier/customer information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
43-5/1-9/2	1	1-2	Gas supplier/customer information
43-5/1-11	1	All	Gas supplier/customer information
43-5/1-14	1	All	Banking information and gas supplier/ customer information
43-5/1-15	1	All	Banking information and gas supplier/ customer information
43-5/1-16	1	All	Banking information and gas supplier/ customer information
43-5/1-17	1	All	Banking information and gas supplier/ customer information
43-5/1-18	1	All	Banking information and gas supplier/ customer information
43-5/1-19	1	All	Banking information and gas supplier/ customer information
43-5/1-20	1	All	Banking information and gas supplier/ customer information
44-1/1-1	1-3	All	Banking information, customer account information, and gas supplier/ customer information
44-1/1-2	1	1-5	Customer account information and gas supplier/customer information
44-1/1-3	1	All	Banking information, customer account information, and gas supplier/ customer information
44-1/1-4	1	1-8	Customer account information and gas supplier/customer information
44-1/1-4	2	1-4	Gas supplier/customer information
44-1/1-5	1	1-8	Customer account information and gas supplier/customer information
44-1/1-5	2	1-3	Customer account information and gas supplier/customer information
44-1/2-1	1-3	All	Banking information and gas

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
			supplier/ customer information
44-1/2-2	1-4	All	Banking information and gas supplier/ customer information
44-1/2-2/1	1	1-4	Customer account information and gas supplier/customer information
44-1/2-2/2	1	1-5	Customer account information and gas supplier/customer information
44-1/2-2/2	2	1-4	Customer account information and gas supplier/customer information
44-1/2-3	1	All	Customer account information and gas supplier/customer Information
44-1/2-3/1	1	1-4	Customer account information and gas supplier/customer information
45-1/1	1	All	Gas supplier/customer information
45-1/2	1	All	Gas supplier/customer information
45-1/3	1	All	Gas supplier/customer information
45-1/4	1	All	Gas supplier/customer information
45-1/5	1	All	Gas supplier/customer information
45-1/6	1	All	Gas supplier/customer information
45-1/7	1	All	Gas supplier/customer information
45-1/8	1	All	Gas supplier/customer information
45-1/9	1	All	Gas supplier/customer information
45-1/10	1	All	Gas supplier/customer information
45-1/11	1	1-6	Gas supplier/customer information
45-1/11	2-6	1-3	Gas supplier/customer information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 09871-04 and 10225-04			
57	1-5	All	Sensitive contractual and competitive business information
57-1	1-4	All	Sensitive contractual and competitive business information
57-2	1-3	All	Sensitive contractual and competitive business information
57-3	1	1-21	Sensitive contractual and competitive business information
57-3	2	1-28	Sensitive contractual and competitive business information
57-3	3	1-21	Sensitive contractual and competitive business information
57-3	4	1-31	Sensitive contractual and competitive business information
57-3	5	1-24	Sensitive contractual and competitive business information
57-3	6	1-12	Sensitive contractual and competitive business information
57-4	1-3	All	Sensitive contractual and competitive business information
57-4	4		competitive business information
57-4	5	All	Sensitive contractual and competitive business information
57-4	6	1-30	Sensitive contractual and competitive business information
57-4	7	1-29	Sensitive contractual and competitive business information
57-4	8	1-29	Sensitive contractual and competitive business information
57-4	9	1-30	Sensitive contractual and competitive business information
57-4	10	1-30	Sensitive contractual and competitive business information
57-4	11	All	Sensitive contractual and competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
57-5	1	1-12	Gas supplier/customer information and sensitive contractual and competitive business information
Documents 09871-04 and 10225-04			
57-5	2	1-19	Gas supplier/customer information and sensitive contractual and competitive business information
57-5	3	1-25	Gas supplier/customer information and sensitive contractual and competitive business information
57-5	4	1-7	Gas supplier/customer information and sensitive contractual and competitive business information
57-6	3	1	Gas supplier/customer information and sensitive contractual and competitive business information
57-6	5	1-2	Gas supplier/customer information and sensitive contractual and competitive business information
57-7	1-60	All	Gas supplier/customer information and sensitive contractual and competitive business information
60	1	1-13	Sensitive contractual and competitive business information
60	2	1-15	Sensitive contractual and competitive business information
60	5	1-2	Sensitive contractual and competitive business information
60-1	1	1-24	Sensitive contractual and competitive business information
60-1	2	1-31	Sensitive contractual and competitive business information
60-1	3	All	Sensitive contractual and competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
60-1/1	1	All	Sensitive contractual and competitive business information
60-1/2	1-2	All	Sensitive contractual and competitive business information
Documents 09871-04 and 10225-04			
60-2	1	All	Sensitive contractual and competitive business information
60-2/1	1	All	Sensitive contractual and competitive business information
60-2/2	1	All	Sensitive contractual and competitive business information
60-2/3	1-6	All	Sensitive contractual and competitive business information
60-3/1	1-10	All	Sensitive contractual and competitive business information
60-3/2	1-10	All	Sensitive contractual and competitive business information
60-4	1-2	All	Sensitive contractual and competitive business information
60-4/1	1-23	All	Sensitive contractual and competitive business information
60-4/2	1-12	All	Sensitive contractual and competitive business information
60-4/3	1-12	All	Sensitive contractual and competitive business information
60-5	1-2	All	Sensitive contractual and competitive business information
60-5/1	1-14	All	Sensitive contractual and competitive business information
60-5/2	1-8	All	Sensitive contractual and competitive business information
60-5/3	1-9	All	Sensitive contractual and competitive business information
60-6	1	All	Sensitive contractual and competitive business information
60-6/1	1-14	All	Sensitive contractual and competitive business information
60-6/2	1-10	All	Sensitive contractual and competitive business information
60-6/3	1-9	All	Sensitive contractual and competitive business information

60-7/1	1-10	All	Sensitive competitive business information
60-7/2	1-8	All	Sensitive competitive business information
60-7/3	1-15	All	Sensitive competitive business information
60-7/4	1-65	All	Internal auditing controls and reports of internal auditors
60-8	1-43	All	Contractual data concerning gas supplies
60-8/1	1	1-2	Sensitive contractual and competitive business information
60-8/1	2-33	All	Contractual data concerning gas supplies
61	1	1-11	Sensitive contractual and competitive business information
61-1	1	1-3	Sensitive contractual and competitive business information
61-1	2	1-24	Sensitive contractual and competitive business information
61-2	1	All	Sensitive contractual and competitive business information
61-2/1	1-4	All	Sensitive contractual and competitive business information
61-2/2	1	1-14	Gas supplier/customer information
61-2/3	1-5	All	Sensitive contractual and competitive business information
61-3	1	All	Sensitive contractual and competitive business information
61-4	1-2	All	Sensitive contractual and competitive business information
61-5	1	All	Sensitive contractual and competitive business information
61-5	2-21	All	Contractual data concerning gas supplies
61-6	1-5	All	Sensitive contractual and competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
62-2	1	1-3	Sensitive contractual and competitive business information
63	1	1-9	Gas supplier/customer Information
Documents 09872-04 and 10225-04			
63-1	1	1-5	Gas supplier/customer information
63-2	1	All	Sensitive contractual and competitive business information
Documents 09873-04 and 10225-04			
65-1	1-205	All	Sensitive contractual and competitive business information

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. The information should be granted confidential classification for a period of eighteen months from the date of the issuance of this Order. Based on the foregoing, NUI/City Gas' request for confidential treatment of Document Nos. 09869-04, 09870-04, 09871-04, 09872-04, 09873-04, 10225-04, and 12228-04 is granted.

It is therefore,

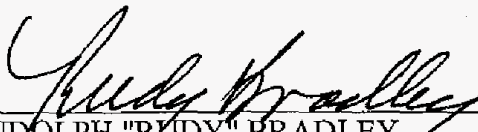
ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that NUI/City Gas Company's request for confidential classification of portions of Documents Nos., 09869-04, 09870-04, 09871-04, 09872-04, 09873-04, 10225-04, and 12228-04 is granted. It is further

ORDERED that the information for which confidential classification has been requested will be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall 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 Rudolph "Rudy" Bradley, as Prehearing Officer, this
1st day of March, 2005


RUDOLPH "RUDY" BRADLEY
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.

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 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 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.