



ORIGINAL

Public Service Commission

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

**DATE:** July 28, 2005

**TO:** Katherine Fleming, Attorney, General Counsel

**FROM:** Division of Regulatory Compliance and Consumer Affairs (Freeman, Vandiver) *F a JMT*

**RE:** Docket 050003-GU, Recommendation concerning the Florida City Gas' request for confidential classification concerning staff's working papers prepared during the audit entitled "Florida City Gas Purchased Gas Adjustment Audit for the Year Ended December 31, 2004", Audit Control No. 05-039-4-1, Documents Numbered 06630-05 and 06841-05

On July 1, 2005, at the audit exit conference, Florida City Gas requested that certain portions of staff's working papers prepared during the audit entitled "Florida City Gas Purchased Gas Adjustment Audit for the Year Ended December 31, 2004", be held in a temporary confidential status in accordance with Rule 25-22.006(3)(a)2, Florida Administrative Code (FAC).

On July 13, 2005, staff filed those working papers with the Commission's Division of the Commission Clerk and Administrative Services (Document 06630-05).

On July 18, 2005, Florida City Gas filed its request for confidential classification for certain portions of the working papers pursuant to Section 366.093, Florida Statutes (F.S.) and Rule 25-22.006(3)(a)2 and (4), F.S. The Florida City Gas request included redacted copies of the materials for public use (Exhibit B, Document 06840-05) and copies of the materials with the sensitive portions highlighted (Document 06841-05).

Documents 06630-05 and 06841-05 are currently held by the Commission's Division of the Commission Clerk and Administrative Services as confidential pending resolution of the Florida City Gas' request for confidential classification.

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FPSC-COMMISSION CLERK

July 28, 2005  
Florida City Gas Request

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)(e), F.S., provides the following exemption.

Subsection 366.093, F.S., provides; “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:

....

(e) Information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider of the information....”

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 Florida City Gas filing reveals the sensitive material consists of customer-specific account information.

Florida City Gas pleads that customer-specific data such as customer name or location, gas usage, and amount billed should not be disclosed as release of this information would harm the competitive businesses of Florida City Gas.

Customer specific data may be granted a confidential classification based upon the provisions of Section 366.093(3)(e), F.S. Recently, the following Commission decisions have granted a confidential classification to customer-specific information: Order No. PSC-02-1248-CFO-GU, issued October 25, 2002 in Docket 020003-GU, and Order No. PSC-00-1569-CFO-EG, issued August 31, 2000, in Docket No. 000002-EG.

Section 366.093(3)(e), F.S., provides that the Commission may grant a confidential classification to sensitive competitive business information if release of this information will impair the competitive business of the provider of that information. The Commission has followed a long standing policy to grant a confidential classification to customer-specific account information associated with usage. After reading the material here, staff agrees this is customer-specific account information which may be protected on the basis that release of this information may harm the competitive businesses of Florida City Gas. Staff therefore recommends that this information be granted a confidential classification.

**Material held as Confidential**

Florida City Gas states this information and these documents are tended to be, and are, treated as proprietary and confidential.

**Duration of the Confidential Classification Period**

Florida City Gas requests that this material be granted a confidential classification for at least 18 months.

According to the provisions of Section 366.093(4), F.S., absent good cause shown, confidential classification is limited to 18 months. Without cause shown for a longer period, we recommend that the period of confidential classification be set as 18 months. As deemed necessary, the utility may request an extension of the confidential classification before the period tolls.

**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 summary recommendation, as found, follows:

**Detailed Summary Recommendation, As Found**

Working Paper Number	Description	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 06630-05 and 06841-05					
41-5/1	Customer Bills from Microfiche	1	1-50	Grant	Sensitive Competitive Business Information
41-5/1	Customer Bills from Microfiche	2	1-5	Grant	Sensitive Competitive Business Information
41-5/1	Customer Bills from Microfiche	3	1-6	Grant	Sensitive Competitive Business Information
41-5/1	Customer Bills from Microfiche	4	1-53	Grant	Sensitive Competitive Business Information
Documents 06630-05 and 06841-05					

Working Paper Number	Description	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
41-5/1	Customer Bills from Microfiche	5	1-52	Grant	Sensitive Competitive Business Information
41-5/1	Customer Bills from Microfiche	6	1-41	Grant	Sensitive Competitive Business Information
41-5/2	Customer Bills	1-16	1-8; 10-13: 17	Grant	Sensitive Competitive Business Information

A temporary copy of this recommendation will be held at I:106841-05.cityraf.doc for a short period.

CC: Division of Regulatory Compliance and Consumer Affairs (Welch)  
Division of Commission Clerk and Administrative Services (Flynn)