

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Purchased gas adjustment (PGA) true-up. | DOCKET NO. 080003-GU
ORDER NO. PSC-08-0150-CFO-GU
ISSUED: March 12, 2008

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN
MATERIALS OBTAINED DURING THE PURCHASED GAS ADJUSTMENT
AUDIT (AUDIT NO. 07-067-4-1) OF FLORIDA CITY GAS
(DOCUMENT NOS. 08291-07 AND 11100-07)

On December 20, 2007, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida City Gas (FCG) filed a request for confidential classification of certain portions of materials provided pursuant to staff's "FCG's Purchased Gas Adjustment Audit for the Year Ended December 31, 2006." Document Nos. 08291-07 and 11100-07 are currently held by the Commission's Office of Commission Clerk as confidential pending resolution of FCG's request for confidential classification. FCG asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FCG requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), F.S.

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S., Florida's Public Records Act. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes:

(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 or services on favorable terms.

FCG asserts that the information for which it seeks confidential status consists of specific contractual information, prices, and pricing data. FCG asserts that it has not disclosed such information. FCG contends that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(d), F.S., as proprietary confidential business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair its competitive interests.

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

FCG requests confidential classification for the information listed in the following table:

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 08291-07 and 11100-07			
43-1	1	Weighted Average Price: lines 1-2; Sequent Purchase Price Column; FOM Price Column; Difference Columns; Auditor Notes Column; Auditor's notes: lines 1-2	Sensitive competitive business information
43-1	2-3	Weighted Average Price: lines 1-4; Sequent Purchase Price Column; FOM Price Column; Difference Columns	Sensitive competitive business information
43-1	4	Weighted Average Price: lines 1-7; Sequent Purchase Price Column; FOM Price Column; Difference Columns	Sensitive competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 08291-07 and 11100-07			
43-1	5-9	Weighted Average Price: lines 1-6; Sequent Purchase Price Column; FOM Price Column; Difference Columns	Sensitive competitive business information
43-1	10	Weighted Average Price: lines 1-4; Sequent Purchase Price Column; FOM Price Column; Difference Columns	Sensitive competitive business information
43-1	11	Weighted Average Price: lines 1-3; Sequent Purchase Price Column; FOM Price Column; Difference Columns	Sensitive competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 08291-07 and 11100-07			
43-1	12	Weighted Average Price: lines 1-4; Sequent Purchase Price Column; FOM Price Column; Difference Columns	Sensitive competitive business information
43-1/1-1	2	Counterparty Column; Spread Column	Sensitive competitive business information
43-1/2	1	1-2	Sensitive competitive business information
43-1/2, page 1	1	1	Sensitive competitive business information
43-1/2, page 2	1	1-5	Sensitive competitive business information
43-1/2, page 3	1	1-14	Sensitive competitive business information
43-1/2-1	1	Price Columns; Amount Columns; Value Column; Line 1	Sensitive competitive business information
43-1/3	1	1-9	Sensitive competitive business information
43-2	1	Weighted Average Price: lines 1-6; Sequent Purchase Price Column; FOM Price Column; Difference Columns	Sensitive competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 08291-07 and 11100-07			
43-4	1	Total Cost Column; Z-1 Cost Column; Z-2 Cost Column: Z-3 Cost Column; Lines 1-7	Sensitive competitive business information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d), F.S. The information contains competitive business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair its competitive interests. Therefore, confidential classification for Documents Nos. 08291-07 and 11100-07 is granted.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FCG or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Florida City Gas' request for confidential classification of portions of Document Nos. 08291-07 and 11100-07 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.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 12th
day of March, 2008.


KATRINA J. MCMURRIAN
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 Office of Commission Clerk, 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.