

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 100003-GU
ORDER NO. PSC-10-0676-CFO-GU
ISSUED: November 12, 2010

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN
MATERIALS OBTAINED DURING THE PURCHASED GAS ADJUSTMENT
AUDIT (AUDIT NO. 10-007-4-1) OF FLORIDA CITY GAS
(DOCUMENT NOS. 06132-10 AND 06867-10)

On August 18, 2010, 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, 2009." Document Nos. 06132-10 and 06867-10 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

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 goods or 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 06132-10 and 06867-10			
5-3	2	Paragraph 2, lines 2-3,7,9,11	Sensitive Contractual Information
5-3	3	Paragraph 1, lines 4-10; Paragraph 2, lines 1-6,9-10	Sensitive Contractual Information
44-1/1	1	Amounts in All Columns	Sensitive Contractual Information
44-1/1	1	“FGT Allocation Delivery” columns; “Baseload” column; “Swing/Fixed” column; “Tabulation” column	Sensitive Contractual Information
44-1/1-1/1	1	“Daily Scheduled Delivery” columns	Sensitive Contractual Information
44-1/2	1	“Price/Gas Daily” column; “WAC [Weighted Average Cost]” column	Sensitive Contractual Information
44-1/3	1	“Negotiated \$” column; “WAC” column	Sensitive Contractual Information
44-1/3-1	1	“Swing Delivered” column; “Swing + Fuel @ 3.56%” column	Sensitive Contractual Information
44-1/3-1/1	1	“Total Volume” column	Sensitive Contractual Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 06132-10 and 06867-10			
44-1/4	1	“Rate” column; “Amount” column, Auditor’s Hand Written Tabulations and Total	Sensitive Contractual Information
44-1/5	1	Paragraph 1, line 2; Paragraph 3, last 2 lines	Sensitive Contractual Information
44-1/6	1	Invoice Total Amount;	Sensitive Contractual and Competitive Business Information
44-2/1	1	“Sequent Purchase Price” column; “FOM Price” column; “Difference” column; Analysis Below Table Regarding the FOM Index	Sensitive Contractual Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 06132-10 and 06867-10			
44-2/1-1	1-2	“Premium Information” presented in table format; Pipeline Identifying Information; Auditor Tabulations above the Chart; “GDA Plus Premium” column; “GDA v. Index” column; “Amount” column; “Total Due” Amounts	Sensitive Contractual Information
44-4/1	2-9	All lines	Sensitive Contractual and Competitive Business Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 06132-10 and 06867-10			
44-4/1-1	1-12	<p>Auditor's Handwritten Tabulations on the First Page</p> <p>“Sequent Purchase Price” Information;</p> <p>“FOM Price” column;</p> <p>“Difference” column;</p> <p>Reported Information and Regarding “FOM” Calculations;</p> <p>Auditor's Notes to the Right of the Tables</p>	Sensitive Contractual Information
44-5	1	<p>“Price” column;</p> <p>“Actual Cost” column;</p> <p>“Market WAC” column;</p> <p>“Difference” column</p>	Sensitive Contractual Information
44-5/1	1	“Net Notnl Value/Actual Cost” column	Sensitive Contractual Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 06132-10 and 06867-10			
44-5/1	2	“Deal WTD Price” column; “MTM Wtd Price” column; “Volume” column; “Net Notnl Value/Actual Cost” column; Auditor’s Hand Written Tabulations	Sensitive Contractual Information
44-6	1-2	“Price” columns; “Amount” columns; Auditor’s Hand Written Tabulations	Sensitive Contractual Information
44-6/1	1-2	“Price” columns; “Amount” columns	Sensitive Contractual Information
44-6/2	1	“Price” columns; “Amount” columns Auditor’s Hand Written Value	Sensitive Contractual Information
45-1	1	All Columns Other Than Dates	Sensitive Contractual Information
45-1/1	1-12	“Dollars” columns	Sensitive Contractual Information
45-2	1	Amounts in All Columns	Sensitive Contractual Information
45-2/1	1	“Dollars” columns	Sensitive Contractual Information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d) and (e), 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. 06132-10 and 06867-10 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 Nathan A. Skop, as Prehearing Officer, that Florida City Gas' request for confidential classification of portions of Document Nos. 06132-10 and 06867-10 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 Nathan A. Skop, as Prehearing Officer, this 12th day of November, 2010.



NATHAN A. SKOP
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; or (2) 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 25-22.0376, 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.