

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval of tariff revisions to reflect service in Nassau and Okeechobee Counties, by Florida Public Utilities Company

DOCKET NO. 110277-GU
ORDER NO. PSC-12-0114-CFO-GU
ISSUED: March 14, 2012

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO
PORTIONS OF PEOPLES GAS SYSTEM'S GAS TRANSPORTATION AGREEMENT
(DOCUMENT NO. 00537-12)

On January 26, 2012, Peoples Gas System (Peoples), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), requested confidential treatment of Exhibit 1 to the Joint Petition Requesting Approval of Territorial Agreement and Associated Gas Transportation Agreement (Petition) filed collectively by Peoples, Florida Public Utilities Company (FPUC) and Peninsula Pipeline Company, Inc. (Peninsula). Exhibit 1 to the Petition consists of the Territorial Agreement and Associated Gas Transportation Agreement (the special contract) (Document No. 00537-12). This request was filed in Docket No. 110277-GU.

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the 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. Sections 366.093(3)(d) and (e) F.S., provide that proprietary confidential business information includes, but is not limited to "[i]nformation 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," and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Peoples contends that the information sought to be confidential, the rates at which Peoples will provide gas service to Peninsula listed in page 5 of the special contract, falls within these categories and constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S. and Rule 25-22.006, F.A.C. Peoples provides a detailed justification in support for the confidential treatment of the designated portions of the special contract in Exhibit A to its request for confidential treatment. Peoples further states that the information for which it seeks confidential classification is intended to be and is treated by Peoples as private and has not been disclosed.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Time Period For Confidential Classification

According to Section 366.093(4), F.S., confidential classification may only extend for 18 months from the issuance of an Order granting confidential classification unless “the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period.” Peoples has requested that the information remain confidential for a period in excess of 18 months. Specifically, Peoples seeks confidential classification until after two months after the special contract expires. The term of the special contract is 15 years from January 24, 2012. In support of its request, Peoples states that the time period requested is necessary to protect the competitive information (i.e., the level of the rates at which service will be provided to Peninsula Pipeline Company, Inc. ("PPC") under the special contract) from disclosure to Peoples' competitors and to other customers in order to allow Peoples, should it become necessary, to negotiate future gas service arrangements with other customers on favorable terms based on the specific factual circumstances of such customers. Peoples asserts that the period of time requested will ultimately protect Peoples and its customers by any such future arrangements being entered into based only on the facts and circumstances then applicable to the particular customer.

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Sections 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. The information constitutes “[i]nformation 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” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document No. 00537-12 shall be granted confidential classification.

Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. Peoples has shown good cause to extend the period of confidentiality to two months after the expiration of the special contract. Accordingly, the information identified in Document No. 00537-12, shall be granted confidential classification for a period of two months past the expiration of the special contract.

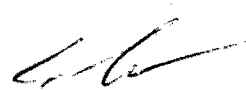
Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Peoples Gas System’s Request for Confidential Classification of Document No. 00537-12 is granted. It is further

ORDERED that the information in Document No. 00537-12 for which confidential classification has been granted shall remain protected from disclosure for a period of two months past the expiration of the special contract. 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.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 14th day of March, 2012.



ART GRAHAM
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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.