

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Natural gas conservation cost recovery.

DOCKET NO. 120004-GU
ORDER NO. PSC-12-0311-CFO-GU
ISSUED: June 18, 2012

ORDER GRANTING EXTENSION OF CONFIDENTIAL CLASSIFICATION FOR
INFORMATION CONTAINED IN DOCUMENT NOS. 04815-10 AND 05253-10

BY THE COMMISSION:

On June 24, 2010, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Public Utilities Company (FPUC) filed a request for confidential classification of information contained in Volume 3 of staff's Audit Work Papers numbered 45-4, consisting of four pages, associated with Audit Control No. 09-350-4-4. On November 12, 2010, Order No. PSC-10-0677-CFO-GU was issued in Docket No. 100004-GU, granting the requested confidential classification as the requested information met the statutory definition for confidentiality pursuant to Section 366.093, Florida Statutes (F.S.).

On April 25, 2012, FPUC filed a request for an extension of confidential classification for specific information contained in Document Nos. 04815-10 and 05253-10. FPUC requested continued confidential treatment of Volume 3 of 3 of the Audit Workpapers consisting of 4 pages (WP 45-4: Payroll Adjustment) in its entirety, exclusive of the cover page, and the highlighted and redacted exhibits attached to its June 24, 2010 Request for Confidentiality, which includes specific payroll allocations and payout amounts associated with a specific employee. FPUC asserted that the requested information falls within the statutory definitions of proprietary confidential business information, as the audit workpapers contained information regarding specific accounts and employee compensation, which FPUC treated as confidential and which has not been publicly disclosed. Disclosure of this information would impair FPUC's efforts to compete for services and its ability to attract and retain qualified employees.

Section 366.093(1), F.S., provides that information determined to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S. In Order No. PSC-10-0677-CFO-GU issued on November 12, 2010, it was determined that the information contained in Document Nos. 04815-10 and 05253-10 met the statutory definition of proprietary confidential business information. As required by Section 366.093(4), F.S., FPUC has requested an extension of the confidential classification. Pursuant to Section 366.093(4), F.S., FPUC must show and I must find the records continue to contain proprietary confidential business information. Upon such finding, the confidential treatment will be extended for a period not to exceed 18 months.

It appears that the specified information contained in Document Nos. 04815-10 and 05253-10 continues to meet the statutory definition of proprietary business information as determined in Order No. PSC-10-0677-CFO-GU, and the disclosure of this information would be

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

ORDER NO. PSC-12-0311-CF0-GU
DOCKET NO. 120004-GU
PAGE 2

harmful to FPUC's competitive interest. Therefore, I find it appropriate to grant FPUC's request for an extension of confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which an extension of 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 FPUC or another affected person shows, and I find that the information continues to contain proprietary confidential business information.


Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Florida Public Utilities Company's request for an extension of confidential classification of Document Nos. 04815-10 and 05253-10 is hereby granted as set forth herein. It is further

ORDERED that the information for which the extension of confidential classification is granted will retain its 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 Eduardo E. Balbis, as Prehearing Officer, this 18th day of June, 2012.



EDUARDO E. BALBIS
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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.

PER

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.