

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Natural gas conservation cost recovery.

DOCKET NO. 120004-GU
ORDER NO. PSC-12-0444-CFO-GU
ISSUED: August 28, 2012

ORDER GRANTING FLORIDA DIVISION OF CHESAPEAKE UTILITIES
CORPORATION'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT
NO. 005742-12 (CROSS-REFERENCED DOCUMENT NO. 05388-12)

BY THE COMMISSION:

On August 21, 2012, Florida Division of Chesapeake Utilities Corporation (Chesapeake) requested confidential classification for information contained in its Attachment A to its responses to staff's second set of interrogatories (Nos. 2-7) (Document No. 05742-12, cross-referenced as Document No. 05388-12).

Chesapeake stated that the information contained in Document No. 05742-12, meets the definition of "proprietary confidential business information" pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(4), Florida Administrative Code (F.A.C.). Chesapeake asserts that: (1) the information pertains to customers' accounts; (2) disclosure of the information to the public would harm Chesapeake's business operations and its ratepayers; (3) Chesapeake treats the information as proprietary confidential business information; and (4) Chesapeake has not voluntarily disclosed the information to the public.

In its petition, Chesapeake requests confidential classification of the information contained in all lines of the columns "Acct," "UMNAM," "Premise," "Utility," "Rate," "Revcode," "Amount," "Usage," "Month," and "BDATE" on pages 1 through 5 of its Attachment A to staff's second set of interrogatories (Nos. 2-7) contained in Document No. 05742-12.

We have jurisdiction over this matter pursuant to Section 366.093, F.S., and Rule 25-22.006(4), F.A.C.

Pursuant to Section 366.093(1), F.S., proprietary confidential business information must be kept confidential and exempt from Section 119.07(1) [the Public Records Act]. Proprietary confidential business information is defined as information that: (1) 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 (2) has not been voluntarily disclosed to the public. Pursuant to Section 366.093 F.S., proprietary confidential business information includes, but is not limited to, information relating to bids, other contractual data, or competitive interests, the disclosure of which will prove detrimental to the utility's business operations or ratepayers.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

I find that the information as described in the body of this Order and contained in Document No. 05742-12 satisfies the criteria set forth in Section 366.093, F.S., for classification as proprietary confidential business information.

The information relates to contractual data and competitive interests, and public disclosure of this information will be detrimental to Chesapeake and its ratepayers. Therefore, I find it appropriate to grant Chesapeake's request for confidential classification of the information contained in its Attachment A to its responses to staff's second set of interrogatories (Nos. 2-7) as described in the body of this Order and contained in Document No. 05742-12.

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 Chesapeake or another affected person shows, and I find that the information continues to be proprietary confidential business information.

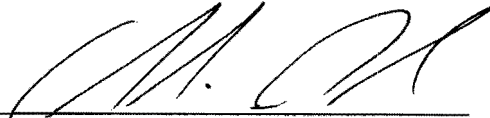
Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Florida Division of Chesapeake Utilities Corporation's Request for Confidential Classification of the information contained in its Attachment A to its responses to staff's second set of interrogatories (Nos. 2-7) as described in the body of this Order and contained in Document No. 05742-12, cross-referenced as Document No. 05388-12, is granted. It is further

ORDERED that the confidentiality granted to the information specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 28th day of August, 2012.



EDUARDO E. BALBIS

Commissioner and Prehearing Officer

Florida Public Service Commission

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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.