

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Natural gas conservation cost recovery.

DOCKET NO. 150004-GU
ORDER NO. PSC-15-0289-CFO-GU
ISSUED: July 15, 2015

ORDER GRANTING FLORIDA CITY GAS' REQUEST FOR EXTENSION OF
CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 04292-13 AND 04237-13)

On March 6, 2015, 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 its request for extension of confidential classification (Request) of certain materials provided in connection with FCG's Natural Gas Conservation Clause (CCR) Audit No. 13-004-4-2 (Audit)(Document Nos. 04292-13 and 04237-13).

Request for Extended Confidential Classification

Section 366.093(1), F.S. provides that records that the Florida Public Service Commission (Commission) has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S. 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, but is not limited to:

- "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;" and
- "Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Id. at (d)-(e).

FCG's original request for confidential treatment of information provided during the Audit was granted by Order No. PSC-13-0399-CFO-GU, issued August 29, 2013. FCG contends that the highlighted information in the Audit workpapers, covered by Order No. PSC-13-0399-CFO-GU, warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S.

FCG asserts that the information for which it seeks confidential classification consists of contract terms and invoices, which FCG is still required to maintain as confidential in accordance with the subject contracts. FCG states the public disclosure of the specific terms and invoices associated with these contracts would breach the terms of the referenced agreements and impair FCG's ability to contract for similar services in the future at reasonable terms and rates. FCG further states this information has been treated by FCG as private and has not been publicly disclosed.

Ruling

Upon review, it appears that information described above, which was the subject of Order No.PSC-13-0399-CFO-GU, continues to satisfy the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above appears to consist of information concerning bids or other contractual data, the disclosure of which would impair FCG's ability to contract for goods or services on favorable terms, and/or information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Therefore, the information identified in Document Nos. 04292-13 and 04237-13, shall be granted a continuation of confidential classification pursuant to Section 366.093(3), F.S.

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 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 records continue to contain proprietary confidential business information.


Based on the foregoing, it is

ORDERED by Chairman Art Graham, as Prehearing Officer, that Florida City Gas' Request for Extended Confidential Classification of certain information contained in Document Nos. 04292-13 and 04237-13 is granted. It is further

ORDERED that the information in Document Nos. 04292-13 and 04237-13, for which confidential classification has been granted, shall remain protected from disclosure for a period of 18 months from the date 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., Florida City Gas or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information 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 Chairman Art Graham, as Prehearing Officer, this 15th day of July, 2015.


ART GRAHAM
Chairman 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.