

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida City
Gas.

DOCKET NO. 20220069-GU
ORDER NO. PSC-2022-0370-CFO-GU
ISSUED: October 28, 2022

ORDER GRANTING FEDERAL EXECUTIVE AGENCIES'
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 09230-2022)

On October 12, 2022, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Federal Executive Agencies (FEA) filed a Request for Confidential Classification (Request) of information contained in response to Staff's 4th Request for Production of Documents No. 10 (Document No. 09230-2022). This request was filed in Docket No. 20220069-GU.

Request for Confidential Classification

FEA contends that the information contained in its discovery response as detailed above constitutes proprietary and confidential business information entitled to protection under Subsection 366.093(3), F.S., and Rule 25-22.006, F.A.C. FEA asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FEA 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 Subsection 366.093(4), F.S.

FEA contends that certain portions of its response to the Staff of the Florida Public Service Commission's (Commission) 4th Request for Production of Documents (No. 10) contains information relating to competitive interests. Specifically, FEA contends that the information relates to financial reports that were obtained through paid subscription services. FEA argues that such information is entitled to confidential classification pursuant to Paragraph 366.093(3)(e), F.S.

Ruling

Subsection 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Subsection 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. Subsection 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Subsection 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in FEA's Request appears to contain information concerning information 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. 09230-2022 shall be granted confidential classification.

Pursuant to Subsection 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 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 Subsection 119.07(1), F.S., unless FEA 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 hereby

ORDERED by Chairman Andrew Giles Fay, as Prehearing Officer, that Federal Executive Agencies' Request for Confidential Classification of Document No. 09230-2022 is granted. It is further

ORDERED that the information in Document No. 09230-2022, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 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 Subsection 119.07(1), F.S., unless Federal Executive Agencies 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 Andrew Giles Fay, as Prehearing Officer, this 28th day of October, 2022.



ANDREW GILES FAY
Chairman and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

MJJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Subsection 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.