

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Peoples Gas System, Inc.	DOCKET NO. 20230023-GU
In re: Petition for approval of 2022 depreciation study, by Peoples Gas System, Inc.	DOCKET NO. 20220219-GU
In re: Petition for approval of depreciation rate and subaccount for renewable natural gas facilities leased to others, by Peoples Gas System, Inc.	DOCKET NO. 20220212-GU ORDER NO. PSC-2023-0243-CFO-GU ISSUED: August 16, 2023

ORDER GRANTING MOTION FOR TEMPORARY PROTECTIVE ORDER
(DOCUMENT NO. 03640-2023)

On May 23 and 31 and June 1 and 2, 2023, the Office of Public Counsel (OPC) conducted confidential depositions. During the depositions, documents were produced to OPC subject to a notice of intent to request confidential classification filed by Peoples Gas System, Inc. (PGS) prior to the depositions. (*See* Document No. 03326-2023).

On June 14, 2023, pursuant to Rule 25-22.006(6)(c), Florida Administrative Code (F.A.C.), PGS filed a Motion for Temporary Protective Order¹ (Motion) to exempt from Section 119.07(1), Florida Statutes (F.S.), certain confidential information requested by OPC and for the protection of that information against public disclosure pending OPC's review of it.

Motion for Temporary Protective Order

In its Motion, PGS contends that the documents provided to OPC during the depositions were related to PGS's project cost capture procedures, its supply chain analysis, updated capital spending plans, and updated list of pipelines.

PGS contends that all or portions of the documents provided to OPC constitute "proprietary confidential business information" and are entitled to protection against public disclosure pursuant to Section 366.093, F.S. PGS contends that the disclosure of this information could adversely affect the economic interests of PGS and its customers.

Section 366.093(2), F.S., directs that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by any party subject to the public records law as confidential and exempt from Section 119.07(1), F.S. Rule 25-22.006(6), F.A.C., codifies the Commission's policy regarding the protection of confidential information from public disclosure during the discovery process in a manner that is not overly burdensome to both parties. Rule 25-22.006(6)(a), F.A.C., in pertinent part, states:

¹ Document No. 03640-2023, filed in Docket No. 20230023-GU

In any formal proceeding before the Commission, any utility or other person may request a protective order protecting proprietary confidential business information from discovery. Upon a showing by a utility or other person and a finding by the Commission that the material is entitled to protection, the Commission shall enter a protective order limiting discovery in the manner provided for in Rule 1.280, Florida Rules of Civil Procedure.

In addition, Rule 25-22.006(6)(c), F.A.C., states that if a party allows OPC to inspect or take possession of utility information, then that “utility may request a temporary protective order exempting the information from Section 119.07(1), F.S.” The rule further requires the utility to file a specific request for a protective order under paragraph (a) of the rule if the information is to be used in the proceeding before the Commission.

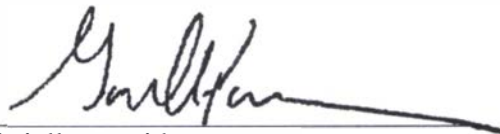
Ruling

Upon consideration of PGS’s assertions of the confidential nature of the information contained in Document No. 03640-2023, PGS’s Motion for Temporary Protective Order is hereby granted. As a result, this information shall be protected from disclosure pursuant to Rule 25-22.006(6), F.A.C.

Based on the foregoing, it is

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that Peoples Gas System, Inc.’s Motion for Temporary Protective Order as set forth in Document No. 03640-2023 is granted, pursuant to the terms and conditions set forth in this Order.

By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 16th day of August, 2023.



Gabriella Passidomo
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.

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.