

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidentiality of documents and information provided during staff surveillance audit for historical 12-month period ended September 30, 1999, by City Gas Company of Florida (Audit Control No. 00-013-4-1).

DOCKET NO. 000616-GU  
ORDER NO. PSC-00-1529-CFO-GU  
ISSUED: August 23, 2000

**ORDER GRANTING CITY GAS COMPANY  
OF FLORIDA'S REQUEST FOR CONFIDENTIAL CLASSIFICATION**

On June 26, 2000, City Gas Company of Florida (City Gas) filed a revised request for confidential classification of specified portions of staff's audit report and working papers regarding the surveillance audit for the year ended September 30, 1999. The documents for which confidentiality is sought include Documents 05471-00, 05472-00 and 06166-00.

Documents submitted to governmental agencies in Florida are public records. The only exceptions are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This is based on the concept that government should operate in the "sunshine".

Section 366.093(3), Florida Statutes, provides the following definition for proprietary confidential business information:

The term proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to [in pertinent part]:

DOCUMENT NUMBER-DATE

10333 AUG 23 8

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(b) Internal auditing controls and reports of internal auditors.

(d) 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 and services on favorable terms.

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

According to Section 366.093, F.S., and Rule 25-22.006, F.A.C., the utility has the burden of demonstrating that materials qualify for confidential classification. The utility can meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information or the ratepayers harm. As demonstrated by the chart in Attachment I, the materials listed therein meet the requirements of Section 366.093(3)(b), (d), or (e). Internal audit materials are confidential pursuant to Section 366.093(3)(b). Materials revealing the audit strategy and work program methodology of the external auditor have been found to be information relating to competitive interests. See, Order 25297, issued November 5, 1991. Bid materials and Board of Directors' materials which, if disclosed, would harm the company's ability to bid or compete, are confidential, based on Sections 366.093(3)(d) and (e). Workpapers 44-5/4, p. 1, l. 8, pgs. 2-3, all lines, and 44-26/1-1, pgs. 1, Col. 3, 4 are found to be confidential pursuant to Section 366.093(3) because disclosure would cause the utility harm.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that City Gas Company of Florida's Request for Confidential Classification for Documents 05471-00, 05472-00 and 06166-00, as specified in Attachment I is granted. It is further

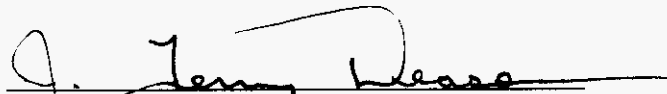
ORDERED that pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, F.A.C., any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093. It is further

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ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period. It is further

ORDERED that this docket is closed.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 23rd day of August, 2000.

  
J. TERRY DEASON, Chairman  
and Prehearing Officer

(S E A L)

RCB

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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review

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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.

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
Documents 05471-00 and 00616-00				
1	21	All	Grant	Internal audit controls and information from internal audits
Documents 05472-00 and 00616-00				
8	1	5-8	Grant	Internal business plans pertaining to future transactions, contracts and purchases obtained from corporate minutes
8 p1	1	19-23	Grant	Internal business plans pertaining to future transactions, contracts and purchases obtained from corporate minutes
8 p2	1	15-16	Grant	Internal business plans pertaining to future transactions, contracts and purchases obtained from corporate minutes
8 p3	1	19-22,33	Grant	Internal business plans pertaining to future transactions, contracts and purchases obtained from corporate minutes
8 p4	1	28,29	Grant	Internal business plans pertaining to future transactions, contracts and purchases obtained from corporate minutes

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
Documents 05472-00 and 00616-00				
8 p5	1	1,2,5-12, 17-24, 35-43	Grant	Internal business plans pertaining to future transactions, contracts and purchases obtained from corporate minutes
8 p6	1	1-9,11-17, 19-26, 32-34	Grant	Internal business plans pertaining to future transactions, contracts and purchases obtained from corporate minutes
8 p7	1	2-11	Grant	Internal business plans pertaining to future transactions, contracts and purchases obtained from corporate minutes
9	1	1-3,7-10, 13-16, 25-26	Grant	Information which would affect the competitive business of the utility's external auditor
9-3	1	All	Grant	Information obtained from internal audits
9-4	1-2	All	Grant	Information obtained from internal audits
9-5	1-6	All	Grant	Information obtained from internal audits
9-6	1-3	All	Grant	Information obtained from internal audits
9-7	1	All	Grant	Information obtained from internal audits
9-9	1-2	All	Grant	Information obtained from internal audits

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
Documents 05472-00 and 00616-00				
44-5/4-1	1	8	Grant	Reserve amounts set aside for settlement
44-5/4-1	2-3	All	Grant	Reserve amounts set aside for settlement
44-15/1	1	Col. 6,7	Grant	Contractual information release of which would harm the ability of the utility to obtain goods and services
44-26/1-1	1	Col. 3,4	Grant	Legal fees paid to date in litigation of specific lawsuits