

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Purchased gas adjustment (PGA) true-up.

DOCKET NO. 150003-GU  
ORDER NO. PSC-15-0507-CFO-GU  
ISSUED: October 28, 2015

ORDER GRANTING PEOPLES GAS SYSTEM'S MODIFIED REQUEST FOR  
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 04449-15, x. ref DNs 02990-15 and  
03462-15)

On July 15, 2015, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Peoples Gas System (Peoples) filed a Modified Request for Confidential Classification (Request) of highlighted portions of Peoples' documents selected as audit workpapers under Audit Control No. 15-014-2-3 (audit workpapers). This request was filed in Docket No. 150003-GU.

Request for Confidential Classification

Peoples filed an initial request for confidential treatment of material identified in Exhibit A to its request on June 08, 2015, but the page numbers of the request did not match those of the workpapers collected by the Florida Public Service Commission (Commission) audit staff. As a result, this modified request was filed. Peoples asserts that this information is intended to be and is treated by Peoples as private and has not been publicly disclosed. Peoples argues that the audit workpapers are entitled to confidential classification pursuant to Section 366.093(3)(d), F.S.

Peoples justification for asserting that the highlighted information within the audit workpapers is confidential is found in more detail in Exhibit A to its Request. Peoples contends that the audit workpapers consist entirely of invoices from Peoples' suppliers of natural gas and internal documents repeating the information shown on the invoices from Peoples' suppliers of gas. Peoples argues that if the rates at which it purchases gas is publicly disclosed it would give competing suppliers information with which to potentially or actually control the pricing of gas.

Peoples contends that the audit workpapers also contain supplier names and receipt points at which the gas purchased by Peoples is received. Peoples states that public disclosure of supplier names would negatively affect Peoples and its ratepayers because it would provide competitors with a list of gas suppliers which could facilitate the intervention of a middleman. Peoples asserts that disclosure of receipt points would give competitors information that could allow them to buy or sell capacity at those points resulting in an increase or decrease in available capacity which would affect the cost of gas transportation for supply already secured resulting in higher costs to Peoples and its ratepayers.

Finally, Peoples contends that the audit workpapers contain sensitive bank information, which if disclosed could allow others to engage in identity theft or other forms of fraudulent activity.

Ruling

Section 366.093(1), F.S., provides that records the Commission has found to contain proprietary 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:

(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 or services on favorable terms.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information constitutes "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." Thus, the information identified in Document No. 04449-15 shall be granted confidential classification.

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 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 Section 119.07(1), F.S., unless Peoples 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 Peoples Gas System's Modified Request for Confidential Classification of Document No. 04449-15 is granted. It is further

ORDERED that the information in Document No. 04449-15, for which confidential classification has been granted, shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. 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 28th day  
of October, 2015.



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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.

KRM

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.