

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Emergency Complaint of) DOCKET NO. 941165-PU
Peoples Gas System, Inc. Against) ORDER NO. PSC-95-0378-CFO-PU
Tampa Electric Company for) ISSUED: March 17, 1995
Providing Unauthorized)
Incentives for Electric Water)
Heating Appliances)
_____)

**ORDER GRANTING IN PART PEOPLES GAS SYSTEM'S
REQUEST FOR CONFIDENTIAL TREATMENT AND
MOTION FOR PROTECTIVE ORDER**

On February 20, 1995, Peoples Gas System, Inc., (Peoples) filed a Request for Confidential Treatment and Motion for Protective Order, Document No. 01966-95, in Docket No. 941165-PU. Pursuant to Section 366.093, Florida Statutes, Peoples seeks confidential treatment of information and materials produced in response to discovery propounded by Commission Staff. Although negotiations between the two parties resulted in the filing of a Joint Motion for Continuance on February 24, 1995, Peoples' Request for Confidential Treatment still must be addressed.

Peoples requests confidential treatment of all highlighted personal information, such as names, addresses, and other potentially identifying information, found in Attachments 1 and 3 to Peoples' Responses to Staff's First Set of Interrogatories. Peoples asserts that the information found in these attachments is confidential proprietary business information pertaining to the corporate entities and individuals who do business with Peoples Gas, the disclosure of which could adversely affect the competitive interests of Peoples.

Specifically, Peoples requests that the highlighted information found on Pages 1 and 3 of Attachment 1, Authorization for Expenditure, be given confidential treatment. Peoples states that this information identifies some of Peoples' contract partners and representatives, including those builders who have requested natural gas service in Meadow Pointe. Peoples treats this information as confidential and argues that release of this information or any of the identities contained herein could result in loss of Peoples' credibility. Any loss of company credibility could result in harm to future business relationships with builders, which could, in turn, harm Peoples' ratepayers if the company were rendered unable to develop additional market areas or to implement its conservation programs.

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Peoples also requests confidential treatment of the information found on Pages 1 - 5 of Attachment 3, Request for Gas Service. Peoples states that the information found in these forms will not only reveal the identities of some of Peoples' contract partners and representatives, but will also reveal the identity of the representative of the Meadow Pointe Community Development District. Peoples treats this as confidential information and argues that release of this information could detrimentally effect its ratepayers.

Peoples further requests that this information remain confidential for the full statutory period of 18 months, as provided by Section 366.093(4). Peoples states that this duration will better protect Peoples, its ratepayers, and its contract partners' competitive interests.

The highlighted portions of the information contained in Attachment 1 for which Peoples seeks confidential treatment is proprietary confidential business information as defined by Sec. 366.093, Florida Statutes. Therefore, Peoples' request for confidential treatment of certain portions of Attachment 1 is hereby granted. Similarly, the highlighted information in Attachment 3, except for the information regarding the members of the Meadow Pointe Community Development District, is also confidential business information. As to the names and phone numbers of the individual representatives of the Meadow Pointe Community Development District which are listed under PERSON TO CONTACT and PHONE NO. on pages 1,3,4, and 5 of Attachment 3, those names and numbers are public information, and as such, cannot be given confidential treatment. Therefore, Peoples' request for confidential treatment of the highlighted portions of Attachment 3 is hereby granted, except for those highlighted portions of the attachment which provide the names and phone numbers of members of the Meadow Pointe Community Development District.

Based on the foregoing, it is therefore

ORDERED that Peoples Gas System, Inc.'s Request for Confidential Treatment and Motion for Protective Order for certain information contained in the document identified as Document No. 01966-95 is hereby granted to the extent set forth in this order. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence

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of a renewed request for confidentiality pursuant to Section 366.093. It is further

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

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 17th day of March, 1995.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)
BC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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.