

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 060001-EI  
ORDER NO. PSC-06-0985-CFO-EI  
ISSUED: November 28, 2006

ORDER GRANTING GULF POWER COMPANY'S FIRST REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED  
BY ORDER NO. PSC-04-1009-CFO-EI IN DOCKET NO. 040001-EI  
OF CERTAIN PORTIONS OF EXHIBIT HRB-1 TO THE  
PREFILED DIRECT TESTIMONY OF HERBERT R. BALL  
(DOCUMENT NO. 03267-06 (x-ref. 04153-04))

This Order addresses the continuation of confidential treatment for certain information on fuel hedging activities that is contained in Schedule 2 of Exhibit HRB-1 to the prefiled direct testimony of Herbert R. Ball dated April 1, 2004. By Order No. PSC-04-1009-CFO-EI, the Commission initially granted confidential classification for the document on October 18, 2004. On April 12, 2006, Gulf Power Company ("GULF") requested that confidential treatment be extended for the information contained in Document No. 03267-06 (x-ref. 04153-04). The document was granted confidentiality for 18 months, and GULF now requests that confidentiality be extended for an additional 18 months.

In its request, GULF states that the period of confidential classification granted by Order No. PSC-04-1009-CFO-EI will soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes.

Gulf requests confidential classification for Schedule 2 of Exhibit HRB-1 to the prefiled direct testimony of Herbert R. Ball. Gulf contends that this information contains proprietary and commercially sensitive information regarding competitive interests, trade secrets and contractual matters of Gulf, the disclosure of which would cause irreparable harm to the company. According to Gulf, Schedule 2 contains detailed information about its hedging activities. Gulf states that the information provides details about the types of hedging instruments and the various contract terms utilized in Gulf's hedging activities. Gulf further states that Schedule 2 contains specific cost information, insight, and details into Gulf's hedging strategy. Gulf asserts that its competitors consider this type of information to be trade secret and competitively sensitive. Gulf further asserts that disclosure of this information would adversely affect its ability to conduct hedging activities to the benefit of its customers. Gulf contends that disclosure of contractual terms and cost information would impair its ability to enter into contracts for the benefit of its customers. In addition, GULF states that the material is intended to be and is treated by GULF as private, and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-04-1009-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate, according to GULF.

DOCUMENT NUMBER-DATE

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As a result, GULF requests that the information identified in Order No. PSC-04-1009-CFO-EI be accorded confidential classification for an additional 18 month period.

Upon review, it appears that the information discussed above continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. The information contains "trade secrets," or "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" or "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." The information has not gone stale or become part of public information. Therefore, GULF's request for extension of confidential treatment of Document No. 03267-06 (x-ref. 04153-04) is granted as set forth in the body of this Order.


Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. Accordingly, the information identified in Document No. 03267-06 (x-ref. 04153-04), shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the information described in the body of this Order and contained in Document No. 03267-06 (x-ref. 04153-04) shall be granted confidential classification for a period of 18 months from the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 28th day of November, 2006.

  
MATTHEW M. CARTER II  
Commissioner and Prehearing Officer

(SEAL)

LCB/pz

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 Director, Division of the Commission Clerk and Administrative Services, 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.