

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of certain information contained in the report entitled Review of Customer Property Damage Claims of Florida's Four Major Investor-Owned Electric Utilities and in the auditor work papers, by Gulf Power Company.

DOCKET NO. 090042-EI
ORDER NO. PSC-09-0162-CFO-EI
ISSUED: March 20, 2009

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

On January 12, 2009, Gulf Power Company (Gulf) filed a Request for Confidential Classification pursuant to Rule 25-22.006(3), F.A.C., on portions of staff's report entitled Review of Customer Property Damage Claims of Florida's Four Major Investor-Owned Electric Utilities (Document No. 00273-09). Gulf requests that the information set forth in Attachment A, attached to this Order and incorporated herein by reference, which is contained in Document No. 00273-09, be granted confidential classification.

As grounds for the request, Gulf states that information in Document No. 00273-09 was submitted in response to Commission data requests and contained in staff's work papers and draft audit report. Gulf states this information, identified in Attachment A, relates directly to findings and results of an internal audit pertaining to customer property damage claims which is confidential pursuant to Section 366.093(3)(b), F.S.

Gulf states that it provided staff with summaries of customer claims information including customer names and payment amounts. Gulf states that even though such information is not specifically enumerated in Section 366.093(3) as proprietary confidential business information, Section 366.093(3) is not exclusive and that such personally identifiable information is protected because customers submitting claims to Gulf have a reasonable expectation that such information will not become a matter of public record. Gulf states that the information filed pursuant to its request is intended to be and is treated as confidential by Gulf, and, to its knowledge, has not been otherwise publicly disclosed.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. Rule 25-22.006(4)(c), F.A.C., provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 366.093(3), F.S., or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 366.093(3), F.S., in pertinent part, provides:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by

DOCUMENT NUMBER - DATE

02429 MAR 20 8

FPSC-COMMISSION CLERK

the person or company, is intended to be and is treated by the person or company as private in that the 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.

Section 366.093(3)(b), F.S., states that proprietary confidential business information includes "[i]nternal auditing controls and reports of internal audits."

Upon review, I find that the information contained in Document No. 00273-09 identified in Attachment A is proprietary business information pursuant to Section 366.093(3)(b), F.S. Accordingly, Gulf's request for confidential classification is hereby granted for this information. The material in Document No. 00273-09 identified in Attachment A shall have confidential protection for 18 months.

Based on the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification is granted. It is further

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

ORDERED that this docket shall be closed.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 20th day of March, 2009.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(S E A L)
KC

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 25-22.060, 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.

ATTACHMENT A

Line(s)/Field(s)

Page 1

Line 1; Column B

Lines 2-4 in their entirety

Page 2

Lines 1-5 in their entirety

Page 3

Line 1; Column B

Lines 2-6 in their entirety

Line 7; Column B

Lines 8-9 in their entirety

Page 4

Lines 1-2 in their entirety

Page 5

Line 1; Column B

Line 2 in its entirety

Line 3; Column A

Page 6

Line 1; Column B

Line 2 in its entirety

Line 3; Column A

Page 7

Line 1; Columns B-C

Line 2; Columns A-C

Line 3; Column C

Lines 4-6 in their entirety

Page 8

Lines 1-2 in their entirety

Page 9

Line 1; Column B

Lines 2-6 in their entirety

Pages 10-15 in their entirety