

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 110001-EI
ORDER NO. PSC-11-0279-PCO-EI
ISSUED: June 23, 2011

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 10041-10 AND
PORTIONS OF DOCUMENT NOS. 02078-08 AND 02076-08)

On December 20, 2010, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (Gulf) filed a Request for Extended Confidential Classification. By Order No. PSC-09-0435-CFO-EI, issued June 19, 2009, in Docket No. 090001-EI, Gulf was granted confidential classification of Document Nos. 02078-08 and 02076-08. Document No. 02078-08 included Gulf's responses to questions 2 and 4 of Staff's First Request for Production of Documents issued in Docket No. 080001-EI. Document No. 02076-08 includes Gulf's responses to interrogatory numbers 1, 2, 5, and 6 of Staff's First Set of Interrogatories issued in Docket No. 080001-EI. Gulf is requesting an extension of confidential treatment of only a portion of each of those two documents (Document No. 10041-10). A line-by-line table describing the documents included in Gulf's request for extension is included in this Order as Attachment A.

Document No. 02078-08

Gulf requests an extension of the confidential classification of its responses to question number 2 found in Document No. 02078-08. Gulf states that its response to question number 2 of Staff's First Request for Production of Documents contains pricing and bid evaluation information relating to a coal supply agreement which is still active. Gulf contends that this information remains confidential for the same reasons articulated in its previous request and in Order No. PSC-09-0435-CFO-EI. Gulf alleges that the information constitutes proprietary confidential business information regarding contractual matters which could cause irreparable harm to Gulf and the entities with whom it has entered into contracts. Gulf argues that, most importantly, disclosure of this information could harm Gulf's customers.

Gulf does not request an extension of the confidential classification of its responses to question number 4. Gulf acknowledges that its responses to question number 4 are no longer considered confidential by Gulf or the bidders and is therefore not subject of the request for extension of the confidential classification. That information contains a summarized evaluation of Gulf's 2007 natural gas request for proposal results.

DOCUMENT NUMBER-DATE

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Document No. 02076-08

Gulf also requests extension of the confidential classification of its responses to question numbers 1 and 2 of Staff's First Interrogatories. Gulf asserts that its responses to question numbers 1 and 2 contain pricing and bid evaluation information relating to a coal supply agreement which is still active. Gulf concludes that this information is not stale and should retain its confidential treatment for the same reasons articulated in Order No. PSC-09-0435-CFO-EI.

Gulf and its bidders no longer consider the information provided in response to questions 5 and 6, to be confidential. Gulf's request for extension does not include its responses to questions 5 and 6 of Staff's First Set of Interrogatories.

Ruling

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 "[i]nformation 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;" and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Gulf has shown that the information continues to contain proprietary confidential business information. Thus, the information identified in Document No. 10041-10 and portions of Document Nos. 02078-08 and 02076-08 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 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 Gulf 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 Commissioner Ronald A. Brisé, as Prehearing Officer, that Gulf Power Company's Request for Extended Confidential Classification of Document No. 10041-10 and portions of Document Nos. 02078-08 and 02076-08, as set forth in this Order is granted. It is further

ORDERED that the information in Document No. 10041-10 and portions of Document Nos. 02078-08 and 02076-08, as set forth in this Order 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 Commissioner Ronald A. Brisé, as Prehearing Officer, this 23rd day of June, 2011.



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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.

Line-by-Line/Field-by-Field Justification

Line(s)/Field(s)

Justification

Document No. 02078-08

Response to Request # 2

Pages 10, 11 and 13

Page 10, Line 1, Column A

Page 11, Line 1, Column B

Page 11, Line 2, Column A

Page 11, Lines 3-11

Page 13, Lines 1-23, Columns A-B

This information is entitled to confidential classification pursuant to section 366.093(3) (d) and (e), Florida Statutes.

Document No. 02076-08

Response to Interrogatory # 1

Page 2 of 2, Lines 1-23, Columns C and D

This information is entitled to confidential classification pursuant to section 366.093(3) (d) and (e), Florida Statutes.

Response to Interrogatory # 2

January 18, 2008 Correspondence

Page 1, Line 1, Column A

Page 2, Line 1, Column B

Page 2, Line 2, Column A

Page 2, Lines 3-11