

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Gulf Power Company's request for confidential treatment of certain information contained in report entitled Review of Gulf Power Company's Quality Assurance Process for Distribution Construction.

DOCKET NO. 090484-EI
ORDER NO. PSC-11-0283-PCO-EI
ISSUED: June 29, 2011

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR EXTENDED CONFIDENTIAL CLASSIFICATION
GRANTED BY ORDER NO. PSC-09-0802-CFO-EI (DOCUMENT NO. 11174-09)

This Order addresses the continuation of confidential treatment for information relating to Gulf Power Company (Gulf) and contained in Staff Document PA-09-02-006, "Review of Gulf Power Company's Quality Assurance Process for Distribution Construction" (the "Staff Review") (Document No. 11174-09). By Order No. PSC-09-0802-CFO-EI, issued December 3, 2009, certain specified information in the Staff Review (Lines 1 and 2 on Page 20 and the entirety of Page 21) was granted confidential classification. The information was originally granted confidentiality for 18 months, and on May 19, 2011, pursuant to Section 366.093(4), Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf requested that confidential treatment for that same information contained in Document No. 11174-09, be extended for an additional 18 months.

Gulf's Request for Extended Confidential Classification

In its request, Gulf states that the period of confidential classification granted by Order No. PSC-09-0802-CFO-EI would soon expire and that the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S. Gulf states that the information for which it seeks confidential classification remains "proprietary confidential business information" within the meaning of Section 366.093(3)(b), F.S., as it is information relating to "[i]nternal auditing controls and reports of internal auditors." Gulf states that this information is intended to be and has been treated as confidential by Gulf.

Gulf alleges that the information contained on Lines 1 and 2 of Page 20 and the entirety of Page 21 of the Staff Review relates directly to findings and results of an audit performed by Gulf's agent pertaining to its distribution construction quality assurance processes. Gulf specifically alleges the confidential information consists of findings from a 2005 risk assessment audit performed by an independent audit company, AEGIS. Gulf further contends that the information remains confidential for the reasons articulated in Gulf's previous request and in Order No. PSC-09-0802-CFO-EI.

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FPSC-COMMISSION CLERK

Ruling

Upon review, it appears that information contained in the Staff Review, which was the subject of Order No. PSC-09-0802-CFO-EI, continues to be proprietary confidential business information within the meaning of Section 366.093, F.S., to the same extent confidentiality was granted by the Commission's prior order. The information contained in Document No. 11174-09, specifically Lines 1 and 2 on Page 20 and the entirety of Page 21, appears to be derived from an audit of Gulf's Quality Assurance Process for Distribution Construction performed by a contractor of Gulf. This information therefore qualifies as proprietary confidential business information pursuant to Section 366.093(3)(b), F.S., since it consists of "reports of internal auditors." Accordingly, Gulf's request for extension of confidential treatment of portions of the information contained in Staff Document PA-09-02-006, "Review of Gulf Power Company's Quality Assurance Process for Distribution Construction," shall be granted.

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 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

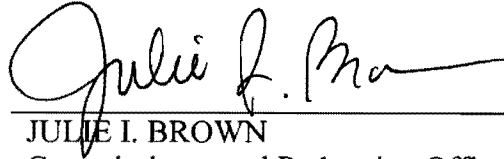
ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Gulf Power Company's Request for Extended Confidential Classification of information contained in Document No. 11174-09 is granted. It is further

ORDERED that the information in Document Number 11174-09 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date 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. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 29th day of
June, 2011.



JULIE I. BROWN
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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.