

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 110007-EI  
ORDER NO. PSC-11-0449-CFO-EI  
ISSUED: October 7, 2011

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC.'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 06652-11)

On September 15, 2011, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc.'s (PEF or Company) filed a request for confidential classification (Request) of information included in the Company's response to Staff's Sixth Set of Interrogatories. (Document No. 06652-11).

Request for Confidential Classification

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes information that 1) is intended to be and is treated by the company as private, 2) disclosure of the information would cause harm to the company's ratepayers or business operations, and 3) the information has not been voluntarily disclosed to the public. Confidential business information includes, but is not limited to "[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" *Id.* at (d).

PEF contends that information in Document No. 06652-11, as more specifically described in Exhibit A to its Request, "is intended to be and is treated as confidential by the Company [and] . . . has not been disclosed to the public." The information is described as follows:

- length of planned outage for Crystal River Unit 5 in 2012, the disclosure of which could impair PEF's efforts to contract for goods or services on favorable terms because competitors could use the information to predict PEF's ability to make wholesale power sales or its need to make purchases. Thereby impairing PEF's efforts to contract for power purchases on favorable terms by enabling potential power providers to maintain a marginally competitive position against the Company's cost of generation.
- projected costs for various maintenance activities to be conducted on air pollution control equipment on FEP's Crystal River Unit 5, the disclosure of which could compromise PEF's efforts to contract for similar goods or services on favorable terms because

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competitors could use the information to tailor their prices to remain marginally competitive with costs projected by the Company instead of offering their best price.

Based on the foregoing, PEF asserts that the information is entitled to confidential classification pursuant Section 366.093(d), F.S.

Ruling

Upon review, I find that the information identified in Document No. 06652-11, as more specifically described in Exhibit A to the Company's Request is treated by the Company as private, has not otherwise been disclosed, and concerns "contractual data, the disclosure of which would impair the efforts of the [Company] . . . to contract for goods or services on favorable terms" As such, the information relates to competitive interests, which, if disclosed, would cause harm to PEF's ratepayers or business operations. Thus, the information shall be granted confidential classification pursuant to Section 366.093(3), F.S.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Progress Energy Florida, Inc.'s request for confidential classification of portions of Document No. 06652-11, as detailed in Exhibit A to its Request, is granted. It is further

ORDERED that the information in Document No. 06652-11 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. 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 Power Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 7th day of  
October, 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.