

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf Power Company.

DOCKET NO. 130140-EI
ORDER NO. PSC-13-0619-CFO-EI
ISSUED: November 25, 2013

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NOS. 03699-13 and 05826-13

On June 28, 2013, and September 30, 2013, pursuant to Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf, Gulf Power, or Company), filed requests for confidential classification (Requests) of information related to its environmental compliance program which was produced by the Company in its response and revised response to Staff's Second Data Request. Gulf asserts that the identified information is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Gulf asks that the Commission grant confidential classification for the documents pursuant to Section 366.093(3), Florida Statutes (F.S.).

Requests 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 is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Confidential business information includes, but is not limited to, the following:

- "Security measures, systems, or procedures," and
- "Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" *Id* at (c) and (e).

The information, identified with specific justification in Exhibits B and C of Gulf's Requests consists of economic viability analyses, cost projections for compliance alternatives (including projected fuel, transmission, production and emission controls costs), and system reliability/security. The information is characterized by the Company as relating to competitive interests, and system reliability and security. The Company asserts that the information "is intended to be, and is treated as, confidential by Gulf Power and . . . has not been otherwise publicly disclosed." Gulf argues that disclosure of the information would impair its competitive business and its ability to procure goods and services on a fair and reasonable basis and could pose a security risk to Gulf's system and to the bulk electric system as a whole. Thus, Gulf

asserts that the information is entitled to confidential classification pursuant Section 366.093(c) and (e), F.S.

Ruling

Upon review, I find that the identified information in Document Nos. 03699-13 and 05826-13, as more specifically described in Exhibits B and C of the Requests, is treated by the Company as private, has not otherwise been disclosed, and is (a) competitive interests, the disclosure of which would impair the competitive business of the provider of the information, or (b) security measures, systems, or procedures. Disclosure of the identified information would cause harm to Gulf's business operations or could pose a security risk to Gulf's system and to the bulk electric system as a whole. 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 Lisa Polak Edgar, as Prehearing Officer, that Gulf Power Company's Requests for Confidential Classification of specified information in Document Nos. 03699-13 and 05826-13 are granted. It is further,

ORDERED that the information in Document Nos. 03699-13 and 05826-13, 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 Lisa Polak Edgar, as Prehearing Officer, this 25th day of
November, 2013.


LISA POLAK EDGAR
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

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.