

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of document request responses and portions of staff's audit report entitled Review of the Payment Arrangement Programs Offered by the Florida Electric Industry by Gulf Power Company.

DOCKET NO. 120200-EI
ORDER NO. PSC-14-0122-CFO-EI
ISSUED: March 6, 2014

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR EXTENDED CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 04152-12)

On February 12, 2014, 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 (Request) of a certain document included in the Commission's Review of Investor-Owned Utilities Payment Arrangement Programs (DN 04152-12). Gulf filed its original request for confidential classification of DN 04152-12 on June 28, 2012. Confidential classification of this document through February 14, 2014, was granted on August 14, 2012, by Order No. PSC-12-0416-CFO-EI.

Request for Extended Confidential Classification

In its Request, Gulf states that the period of confidential classification granted by Order No. PSC-12-0416-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)(e), F.S., as it is information relating to "competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Gulf states that this information is intended to be and has been treated as confidential by Gulf.

Ruling

Upon review, it appears that information contained in the Commission's Review, which was the subject of Order No. PSC-12-0416-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. 04152-12 as identified line by line in Exhibit C attached hereto, appears to detail Gulf's internal policies and procedures concerning late payment arrangements. Gulf asserts that public disclosure of this information would enable customers to "game" the system, resulting in unnecessary delays in bill payment and increased delinquencies and write-offs. This would adversely affect the financial integrity of Gulf and ultimately work to the detriment of Gulf's

customers. This information therefore qualifies as proprietary confidential business information pursuant to Section 366.093(3)(e), F.S., since it consists of “competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Accordingly, Gulf’s request for extended confidential treatment of the information contained in Document No. 04152-12 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 Eduardo E. Balbis, as Prehearing Officer, that Gulf Power Company’s Request for Extended Confidential Classification of information contained in Document No. 04152-12 is granted. It is further

ORDERED that the information in Document No. 04152-12 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 Eduardo E. Balbis, as Prehearing Officer, this 6th day of March, 2014.



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

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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.

EXHIBIT "C"

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

Line(s)/Field(s)

Staff's Draft Report

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Justification

This information is entitled to confidential classification pursuant to §366.093(3)(e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 2.