

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 130140-EI  
ORDER NO. PSC-15-0292-CFO-EI  
ISSUED: July 20, 2015

ORDER GRANTING GULF POWER COMPANY'S REQUEST  
FOR EXTENDED CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 06634-13, X-REF. 06075-13)

On May 26, 2015, 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 its Request for Extended Confidential Classification for portions of Commission staff's Audit ACN 13-207-1-1, Document No. 06634-13, x-ref. 06075-13, pages 29, 31, 32, 91, 93 and 94. Order No. PSC-13-0627-CFO-EI (Order No. PSC-13-0627), issued on November 26, 2013, granted portions of Document No. 06634-13 confidentiality. No objections to Gulf's Request for Extended Confidential Classification have been filed.

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]." Section 366.093(3), F.S., defines proprietary confidential business information as 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.

Sections 366.093(3)(d) and (e), F.S., state that proprietary confidential business information includes, but is not limited to:

- (d) Information 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Gulf contends that designated portions of Commission staff's Audit ACN 13-207-1-1, Document No. 06634-13, x-ref. 06075-13, pages 29, 31, 32, 91, 93 and 94, fall within these categories and, thus, constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Gulf states that this information is intended to be and is treated by Gulf as private and has not been publicly disclosed. Further, Gulf contends that disclosure of this information regarding actual and projected pricing information for capacity payments under both current and expired power purchase agreements between Gulf and various entities would adversely impact Gulf's ability to negotiate the most advantageous contract terms and lowest possible prices in future. In short,

Gulf argues that all of the conditions that supported the grant of confidentiality stated in Order No. PSC-13-0627 continue to be present.

Gulf requests confidential classification for this information for a period of 18 months. According to Section 366.093(4), F.S., confidential classification may only extend for 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period."

Upon review, it appears the above-referenced information continues to satisfy the criteria set forth in Sections 366.093(3)(d), and (e), F.S., for classification as proprietary confidential business information. Thus, the information identified in Document No. 06634-13 x-ref. 06075-13 shall continue to be granted confidentiality.

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

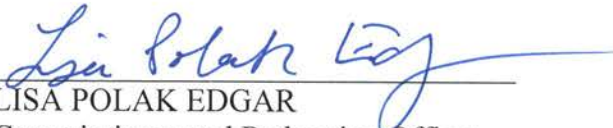
ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Gulf Power Company's Request for Extended Confidential Classification of Document No. 06634-13, x-ref. 06075-13, is granted. It is further

ORDERED that the information in Document No. 06634-13, x-ref. 06075-13, pages 29, 31, 32, 91, 93 and 94, 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 Lisa Polak Edgar, as Prehearing Officer, this 20th day  
of July, 2015.

  
LISA POLAK EDGAR  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
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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.