

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of regulatory asset
related to the retirement of Plant Smith Units 1
and 2, by Gulf Power Company.

DOCKET NO. 160039-EI
ORDER NO. PSC-16-0190-CFO-EI
ISSUED: May 11, 2016

ORDER GRANTING GULF POWER COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 02442-16)

On April 25, 2016 pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (Gulf Power) filed a request for confidential classification for its response to Commission staff's Second Data Request No. 1 (Document No. 02442-16).

Request for Confidential Classification

Gulf Power contends that information contained in its response to Commission staff's Second Data Request No. 1 falls within these categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Gulf Power asserts that this information is intended to be and is treated by Gulf Power as private and has not been publicly disclosed.

The information for which Gulf Power seeks confidentiality consists of the results of a detailed economic viability analysis performed by Gulf Power of various options for achieving compliance with the Environmental Protection Agency's MATS rule at Gulf Power's Plant Smith. The analysis provides cost projections for various compliance alternatives which include highly competitive data including fuel and avoided costs projections, load forecasts, non-public transmission data, production costs and internal cost projections for construction of new generating capacity and environmental controls. Disclosure of this information would impair Gulf Power's ability to negotiate the best price for fuel and wholesale power purchases and sales. Gulf Power has requested that this information be granted confidentiality for a period of 18 months and returned to Gulf Power as soon as the information is no longer necessary for the Commission to conduct its business.

Ruling

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S. 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 that has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides, in pertinent part, that proprietary confidential business information includes, but is not limited to:

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

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(e), F.S., for classification as proprietary confidential business information. The information at issue consists of Gulf Power's analysis providing cost projections for various compliance alternatives which include highly competitive data such as fuel and avoided costs projections, load forecasts, non-public transmission data, production costs and internal cost projections for construction of new generating capacity and environmental controls. It is clear that disclosure of this type of information would result in less advantageous financial transactions for goods and services and, ultimately, higher costs being passed on to Gulf Power's ratepayers. Thus, the information identified in Document No. 02442-16, shall be granted confidential classification.

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 up to 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 or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

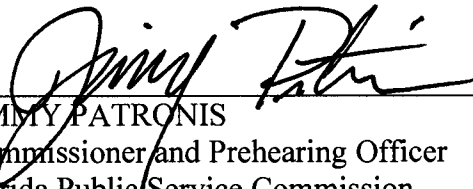
Based on the foregoing, it is hereby

ORDERED by Commissioner Jimmy Patronis, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of Document No. 02442-16 is granted, as set forth herein. It is further

ORDERED that the information in Document No. 02442-16, 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 Jimmy Patronis, as Prehearing Officer,
this 11th day of May, 2016.



JIMMY PATRONIS
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.

SBr

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.