

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael, by Gulf Power Company.

DOCKET NO. 20190038-EI
ORDER NO. PSC-2021-0326-CFO-EI
ISSUED: August 26, 2021

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 01641-2020, 02483-2020, AND 03217-2020)

On March 27, May 8, and June 22, 2020, 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 Confidential Classification pertaining to its Response in the Office of Public Counsel's (OPC) Second Set of Interrogatories Nos. 47, 59, 65, 75, and 76, and Second Request for Production of Documents Nos. 23, 24, 26, 27, and 29-32 (Document No. 01641-2020); Gulf's Response to OPC's Third Set of Interrogatories Nos. 79, 82, and 83, and Third Request for Production of Documents No. 36 (Document No. 02483-2020); and information provided in the Direct Testimony of OPC witness Lane Kollen, specifically Exhibits A, B, C, and D (Document No. 03217-2020). This request was filed in Docket No. 20190038-EI.

Request for Confidential Classification

Gulf contends that the information in its responses to OPC's Second Set of Interrogatories (Nos. 47, 59, 65, 75, and 76) and Second Request for Production of Documents (Nos. 23, 24, 26, 27, and 29-32), constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Also, Gulf contends that the information contained in Response to OPC's Third Set of Interrogatories (Nos. 79, 82, and 83) and OPC's Third Request for Production of Documents (No. 36) constitutes proprietary and confidential information entitled to protection under Section 366.093, F.S. and Rule 25-22.006, F.A.C. Further, Gulf contends that certain information provided in the Direct Testimony of OPC witness Lane Kollen, specifically Exhibits A, B, C, and D constitutes proprietary and confidential information entitled to protection under Section 366.093, F.S. and Rule 25-22.006, F.A.C. Gulf asserts that the information at issue relates to proprietary confidential business information concerning bids or other contractual data, the disclosure of which would cause harm to Gulf and its customers. The documents and other information sought by Gulf to be protected from disclosure relate to the names of vendors, the contract terms, payments, and adjustments for storm recovery services relating to Hurricane Michael. For this reason, Gulf argues the information is entitled to confidential classification pursuant to Section 366.093(3)(d), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary 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 has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides 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.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in Gulf's Request appears to contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of Gulf or its affiliates to contract for goods or services on favorable terms, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document Nos. 01641-2020, 02483-2020, and 03217-2020 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 Company 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 Chairman Gary F. Clark, Presiding Officer, that Gulf Power Company's Request for Confidential Classification of Document Nos. 01641-2020, 02483-2020, and 03217-2020 is granted. It is further

ORDERED that the information in Document Nos. 01641-2020, 02483-2020, and 03217-2020, for which confidential classification has been granted, 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 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 Chairman Gary F. Clark, as Presiding Officer, this 26th day of August, 2021.



GARY F. CLARK
Chairman and Presiding Officer
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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.

JDI/TLT

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

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appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.