

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Gulf Power Company to determine need for proposed electrical power plant in Bay County.

DOCKET NO. 990325-EI  
ORDER NO. PSC-99-1480-CFO-EI  
ISSUED: August 2, 1999

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO GAS TRANSMISSION  
LETTER AGREEMENT (DOCUMENT NO. 07187-99 AND  
DOCUMENT NO. 06982-99)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Gulf Power Company (Gulf) requests that its Gas Transmission Letter Agreement regarding Plant Smith be granted confidential classification. This information was entered into the hearing record in this Docket as part of composite hearing exhibit eight. Gulf asserts that the information contained in this letter is confidential, proprietary information and is treated as such by Gulf, Southern Company and the third parties to the agreement detailed in this letter. Gulf affirms that this information has not been publicly disclosed and is not otherwise available.

Gulf requests that the Gas Transmission Letter Agreement be granted confidential classification. Gulf asserts that the information contained in the pages and lines described in Table One are entitled to confidential classification pursuant to Section 366.093(3)(d), Florida Statutes, as

Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or is affiliates to contract for goods or services on favorable terms.

**TABLE ONE: GAS TRANSMISSION LETTER AGREEMENT REGARDING PLANT SMITH**

PAGE	LINE
1	1-4, 10, 13, 17, 19, 20, 23, 25-29, 30-33
2	1, 6-8, 9-11, 13-15, 17-24, 25-31, 32-34, 35-38

DOCUMENT NUMBER-DATE

09055 AUG-28

FPC-RECORDS/REPORTING

PAGE	LINE
3	1, 6-11, 16-20, 21-23, 27-35, 36
4	1, 6-7, 15, 22-23, 25-28, 30-35
5	1, 9-11

Gulf asserts that the information detailed in Table One above pertains to contractual terms associated with gas transportation to Pant Smith Unit Three. Gulf contends that making this information public would promote price convergence. Further, Gulf asserts that disclosure of information regarded as confidential by other parties to the Agreement outlined in the letter would result in the entities involved not wishing to do business with Gulf for fear that their confidential information would be made public. Gulf, therefore, requests that the information contained in this letter, as detailed in Table One above, be granted confidential classification under Section 366.093(3)(d), Florida Statutes.

Upon review, it appears that the information for which Gulf seeks confidential classification is proprietary, confidential business information and information relating to competitive interests and contractual terms which, if disclosed, would tend to harm the competitive interests of Gulf, Southern Company and the entity or entities made parties to the agreement. In the event such information is made public, it appears as if future potential partners in similar agreements could avoid the risk of public disclosure of their confidential information by refusing to deal with Gulf. This may lead to higher costs for Gulf and higher prices for Gulf's ratepayers. For these reasons, the information described herein is entitled to confidential classification under Section 366.093(3), Florida Statutes. In accord with Section 366.093(4), Florida Statutes, this information shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order.

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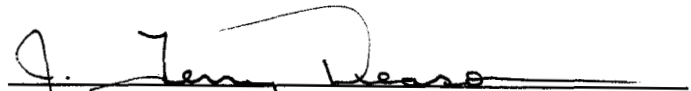
It is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the information contained in Document No. 07187-99 and Document No. 06982-99, are granted confidential classification. It is further

ORDERED that the information contained in Document No. 07187-99 and Document No. 06982-99 shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notice by the Commission to the parties of the declassification date of the material contained in Document No. 07187-99 and Document No. 06982-99.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 2nd Day of August, 1999.

  
\_\_\_\_\_  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

GAJ

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

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hearing or judicial review will be granted or result in the relief sought.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.

M E M O R A N D U M

AUGUST 3, 1999

RECEIVED-FPSC

99 AUG -2 AM 11:40

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JAYE) ~~JO~~ RVE

RE: DOCKET NO. 990325-EI - PETITION OF GULF POWER COMPANY TO  
DETERMINE NEED FOR PROPOSED ELECTRICAL POWER PLANT IN BAY  
COUNTY

99-1480-CFO

Attached is an ORDER GRANTING CONFIDENTIAL CLASSIFICATION GAS  
TRANSMISSION LETTER AGREEMENT (DOCUMENT NO. 07187-99 AND DOCUMENT  
NO. 06982-99) to be issued in the above referenced docket. (Number  
of pages - 5)

GAJ/js  
Attachment  
cc: Division of Electric and Gas  
I:\0718799.gaj

**MUST GO TODAY**

3/0

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 8/3/99  
Number of Originals 4 Copies Per Original 17  
Requested By [Signature]

Item Presented \_\_\_\_\_  
Agenda For (Date) \_\_\_\_\_ Order No. 99-1480 In Docket No. 990325  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

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<u>17</u>	<u>Commission Offices</u>		
	<u>Docket Mailing List - Mailed</u>		
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Print Shop Verification

Job Number 52 Verified By [Signature]  
Date and Time Completed 8/5 Job Checked For Correctness and Quality (Initial) [Initials]

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