



April 11, 2002

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0870

DISTRIBUTION CENTER
02 APR 15 AM 9:02

020000-PU

Dear Ms. Bayo:

RE: Gulf Power Company's comments on "Review of Confidentiality Procedures"

Gulf Power appreciates this opportunity to work with the Florida Public Service Commission ("FPSC") staff in an effort to streamline the procedures for handling confidential information in the electric and gas industries pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. In a memorandum dated February 21, 2002, the FPSC staff proposed draft revisions to Section 366.093, Florida Statutes that are intended to streamline the handling of confidential information without expanding the types of information that may be designated confidential. While Gulf believes that the concepts set forth in the memorandum of February 21, 2002, may be attainable with a revision to Rule 25-22.006, F.A.C., Gulf does support the revisions to Section 366.093, F.S., proposed by Staff.

The clearly articulated public policy in Florida recognizes two important interests with regard to confidential information provided to the FPSC by electric and gas utilities. First, the citizens of Florida enjoy free access to information maintained by government agencies such as the FPSC. This is in keeping with "government in the sunshine". However, the policy favoring public access to information is not overriding. Another interest, that of the provider of information to maintain certain information as confidential, is explicitly recognized by the legislature in the law. The statutes are clear as to what types of information are to be designated as confidential and, therefore, exempt from public disclosure. See Section 366.093. The balance between these two competing interests is not altered by the proposed revisions. The public's access to information is in no way hindered by the proposed revisions. Any person can challenge a utility's claim of confidentiality and force the utility to make a full detailed request for confidentiality. The public retains access to any information

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

04141 APR 15 8

FPSC-COMMISSION CLERK

Ms. Blanca S. Bayo
April 11, 2002
Page Two

that does not meet the statutory requirements for designation as confidential. Nothing in the proposed revised language expands the types of information that can be designated as confidential. The proposed revisions meet both of these interests while reducing the procedural burden associated with requesting confidential treatment.

Currently, utilities must file detailed requests for confidential classification in order to protect information from public disclosure. The handling of confidential information is resource-intensive for both the utilities and the FPSC. Often these requests are on routine matters that are clearly confidential or they are for information that is the same or similar to that which has been deemed confidential by the Commission in past orders. The detailed request is unnecessary in those cases. This would result in a significant reduction in the amount of resources expended by both the FPSC and the utilities. Utilities still have the burden of showing that information meets the statutory requirements for designation as confidential, but a detailed filing can be avoided under the proposed revisions in most instances.

The proposed revisions would make the handling of confidential information in the electric and gas industries mirror the procedures for handling confidential information that have been used in the telephone industry for a number of years. The electric and gas industries are not different from the telephone industry with regard to confidential information. If the information is of the type that is recognized as confidential under the statute, the procedure for obtaining the designation as confidential should be the same. The proposed revisions do not in any way change the types of information that the legislature has determined will be made freely available to the public, nor does it unreasonably burden access to that information or to the determination of whether that information meets the requirements for designation as confidential.

Gulf will continue to participate in this review of the existing confidentiality procedures in an effort to streamline those procedures. If you have any questions, please feel free to contact me at 850.444.6231.

Sincerely,



Susan D. Ritenour
Assistant Secretary and Assistant Treasurer

lw

cc: Beggs and Lane
Jeffrey A. Stone, Esquire