



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: July 26, 2002
TO: Office of the General Counsel (Keating)
FROM: Division of Economic Regulation (McNulty) WBM
RE: Docket No. 011605-EI, Document No. 07443-02

On July 17, 2002, Gulf Power Company (Gulf) filed a request for confidential classification for its response to interrogatory number 10 of Staff's First Set of Interrogatories and document number 1 at subpart A, D, E, and F of Staff's First Request for Production of Documents. These materials were assigned Document No. 07443-02. Gulf provided statutory justification for their request, citing Chapter 366.093(3)(a) and (e). Gulf indicated that this statute entitles the utility to confidential classification of the information based on the assertion that public disclosure of such materials causing irreparable harm to the competitive interests of Gulf and the ability of Gulf to enter into contracts on terms favorable to it and its ratepayers.

I have reviewed the information submitted by the utility. My recommendation is that the Company be granted confidential status for all of the material cited in the request except for certain numerical responses to interrogatory number 10. Page 14 and 15 of the referenced response includes (Section IV-B-1-b). This section describes Gulf's plan for fossil fuel procurement and wholesale purchased power. Staff believes this information, with the exception of capacity purchases, is currently available through public sources. This data can be found in Schedule E3, Page 10, Schedule E6, Page 28, and Schedule E8, Page 30 and 32 of Gulf's Projected 2002 Fuel and Purchased Power Cost Recovery Filing filed in September 2001 in Docket No. 010001-EI. In accordance with Chapter 366.093(3), this publicly held information precludes confidential status being granted to such materials. The statute requires that proprietary confidential business information means information that... "has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public." Since this information has been publicly disclosed, I believe it cannot be proprietary confidential information.

BM:kb

cc: Blanca Bayo, Director, Commission Clerk and Administrative Services ✓
Office of the General Counsel

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