

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of proposed pilot/experimental Real Time Pricing Program and the associated rate schedule by Gulf Power Company.

DOCKET NO. 941102-EI
ORDER NO. PSC-98-0421-CFO-EI
ISSUED: March 24, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO GULF POWER COMPANY'S QUARTERLY REAL TIME PRICING PROGRAM REPORT FOR THE SECOND QUARTER OF 1997 (DOCUMENTS NOS. 08361-97 and 10133-97); AND GRANTING GULF POWER COMPANY'S MOTION TO WITHDRAW REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 08894-97

By request filed October 2, 1997, Gulf Power Company (Gulf or Company) seeks confidential classification of certain information contained in its Quarterly Real Time Pricing Report (QRTP Report or Report). Gulf filed this report with the commission pursuant to Order No. PSC-95-0256-FOF-EI, issued February 23, 1995, in Docket No. 941102-EI. Originally, Gulf filed a notice of intent to request confidential classification of Document No. 08361-97, Quarterly Real Time Pricing Program Report for the second quarter of 1997, on August 19, 1997. The Company then filed Document No. 08894-97 under a request for confidentiality on September 4, 1997. Subsequently, on September 15, 1997, Gulf made a Motion to Withdraw Request for Confidential Classification of the Report. Gulf filed another request for confidential classification of its Quarterly Real Time Pricing Report for the Second Quarter of 1997 (Document No. 10133-97). This order disposes of all of these requests and motions, because they all relate to the same information.

The Motion to Withdraw Request for Confidential Classification applied to the information contained in Document No. 08894-97, Program Cost for Second Quarter 1997. Gulf refiled for confidential classification for the QRTP Report for the 2d Quarter of 1997 on October 2, 1997 (Document No. 10133-97).

The original request for confidential classification of Document Nos. 08894-97 and 08361-97, and the most recent request for confidential classification of Document No. 10133-97, all assert that the Report in question is entitled to confidential treatment under Section 366.093(3), Florida Statutes. Gulf asserts

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that this report contains information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information as contemplated by Section 366.093(3)(e), Florida Statutes. Gulf maintains that the Report contains proprietary and commercially sensitive information that is not otherwise publicly available.

Gulf contends that the Report details customer specific information that is regarded as sensitive and confidential by the customers taking service under rate schedule RTP. The public disclosure of this detailed customer information would impact the customers' abilities to compete in their "native markets." Thus, Gulf requests that this information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

The material for which confidential classification is requested is intended to be and is treated as confidential by Gulf and the customers taking service pursuant to rate schedule RTP and has not been otherwise publicly disclosed.

Gulf requests that page 2 columns A-Q, lines 1-8, columns R-CC, lines 9-24, page 3 columns A-M, lines 1-16, columns N-DD, lines 17-20, columns EE-QQ, lines 21-24, and page 4, columns A-L, lines 1-5 and 7 of the Q RTP Report be granted confidential classification. Gulf claims that this data is proprietary confidential business information that details customer specific information. A limited number of customers take service under rate schedule RTP. One of those customers has ceased taking service pursuant to rate schedule RTP. Removal of this customer from the Quarterly Real Time Pricing Program report reveals that customer's billing determinants, load shape and other customer specific information. This information is regarded as sensitive and confidential by the customer because its public disclosure would impact the customer's ability to compete in its "native markets." Thus, Gulf requests that this information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes. If customer specific information became public knowledge as a matter of course, Gulf contends that it would discourage participation in its RTP Program because the customers would avoid Gulf's RTP Program in order to prevent public disclosure of their confidential business information.

Gulf requests that the information contained in Document Nos. 08361-97 and 10133-97 be granted confidential classification for a period of 18 months from the date of the issuance of this Order.

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Upon review, it appears that Gulf's Quarterly Real Time Pricing Program Report for the second quarter of 1997 is entitled to confidential classification. This Commission has previously held that this type of information to be proprietary and has not required public disclosure of customer names and billing data in the past, deeming them proprietary confidential business information. This type of information could be determined from the customer specific information in the Report for which Gulf seeks confidential classification. Information regarding a specific customer's billing determinants could conceivably be used by competitors to estimate production costs and output for a given period of time. Gulf also contends that one RTP customer has recently ceased taking service under the RTP rate. By removing this customer from the RTP quarterly report, Gulf believes that he customer's billing determinants and load shape can be determined. This information is regarded as sensitive and confidential by the customer who believes that its disclosure would impact its competitive position. As requested by Gulf, this information shall granted confidential classification for 18 months from the date of the issuance of this order pursuant to Section 366.093(4), Florida Statutes.

It is therefore

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that the information contained in Document Nos. 08361-97 and 10133-97, Quarterly Real Time Pricing Program Report second quarter 1997, is entitled to confidential classification. It is further

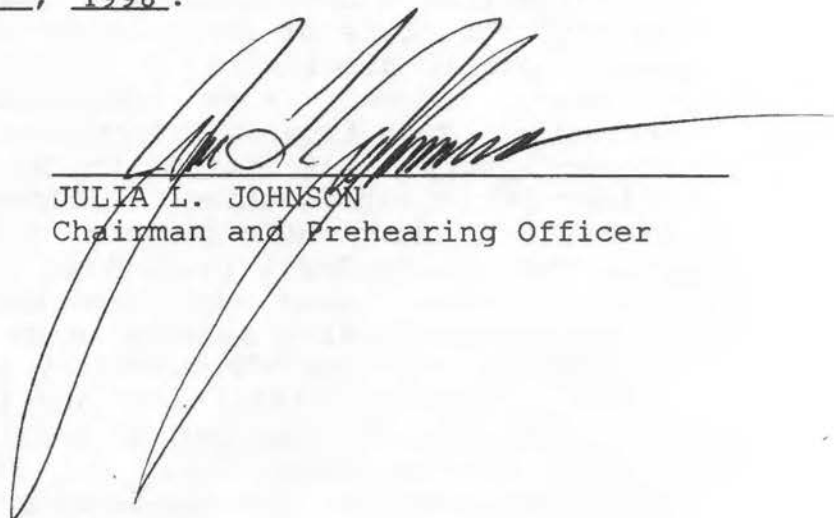
ORDERED that this information shall be classified as proprietary confidential business information for 18 months from the date of this Order. It is further

ORDERED that the motion contained in Document No. 09369-97, Gulf's Motion to Withdraw Request for Confidential Classification of Document No. 08894-97, is granted. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Chairman Julia L. Johnson, as Prehearing Officer,
this 24th Day of March, 1998.



JULIA L. JOHNSON
Chairman 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 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,

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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.