

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-98-0512-CFO-EI
 ISSUED: April 15, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF GULF POWER COMPANY'S QUARTERLY REAL TIME PRICING PROGRAM REPORT FOR THE FOURTH QUARTER 1997 (DOCUMENT NOS. 02432-98 AND 02232-98)

Pursuant to Rule 25-22.006, Florida Administrative Code and Section 366.093, Florida Statutes, Gulf Power Company (Gulf) requests confidential classification of portions of Document Nos. 02432-98 and 02232-98, Quarterly Real Time Pricing Program (RTP) report. Gulf asserts that these documents are submitted pursuant to Order No. PSC-95-0256-FOF-EI, issued February 23, 1995, in Docket No. 941102-EI. Gulf maintains that the information contained in these documents is confidential, proprietary business information and is treated as such by Gulf and the customers taking RTP service. Gulf asserts that this information has not been publicly disclosed.

Specifically, Gulf requests that the following information be granted confidential classification:

PAGE	LINES	COLUMNS
2	1-8	A-Q
2	9-24	R-CC
3	1-16	A-M
3	17-20	N-DD
3	21-24	EE-QQ
4	1-24	A-L
5	1-18	A-N

DOCUMENT NUMBER-DATE

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FPSO-RECORDS/REPORTING

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Gulf asserts that this information is proprietary confidential business information detailing customer specific data. Gulf explains that a limited number of customers take service under rate schedule RTP. Gulf claims that one of those customers has ceased taking service pursuant to rate schedule RTP. Gulf maintains that the removal of this customer from the RTP report reveals that customer's billing determinants, load shape and other customer specific information. Gulf affirms that 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 market." Gulf asserts that public disclosure of customer confidential data could cause uneconomic bypass of Gulf facilities as customers would be reluctant to do business with Gulf where their confidential information could be publicly disclosed. Thus, Gulf requests that this information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

CONCLUSION

Upon review, it appears that the information for which Gulf requests confidential classification is proprietary, confidential information within the meaning of Section 366.093(3), Florida Statutes. This information appear to reveal customer billing determinants, load shape and other customer specific information. It also appears that the disclosure of this information would tend to harm Gulf or the customers that take service under the RTP. Pursuant to Section 366.093(4), Florida Statutes, the information described above for which confidential classification is requested shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order.

It is therefore

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that the information discussed within the body of this Order and contained in Document Nos. 02432-98 and 02232-98 is granted confidential classification. It is further

ORDERED that the information discussed within the body of this Order and contained in Document Nos. 02432-98 and 02232-98 is granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

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ORDERED that this Order shall be the only notification by the Commission to the parties of the declassification date of these documents.

By ORDER of Chairman Julia L. Johnson, as Prehearing Officer, this 15th Day of April, 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

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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.