

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to
implement proposed
commercial/industrial service
rider on pilot/experimental
basis by Gulf Power Company.

DOCKET NO. 960789-EI
ORDER NO. PSC-98-0578-CFO-EI
ISSUED: April 24, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO PORTIONS OF GULF
POWER COMPANY'S EARNINGS SURVEILLANCE REPORT, SUPPLEMENTAL 2 FOR
NOVEMBER, 1997 (DOCUMENT NO. 00853-98)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf) requests confidential classification for portions of its November, 1997, Earnings Surveillance Report (ESR), Supplemental 2 (Document No. 00853-98). Gulf asserts that the information for which it requests confidential classification is confidential and is treated as confidential by Gulf and the entity with whom it has entered into a CSA contract. Gulf further states that this information has not been publicly disclosed. Gulf requests that this information not be declassified for a period of eighteen months from the date of the issuance of this Order. Gulf asserts that the information for which it requests confidential classification is provided to the Commission pursuant to Order No. PSC-96-1219-FOF-EI, issued September 24, 1996, in this docket.

Gulf maintains that the information contained in ESR Supplemental 2 is entitled to confidential classification pursuant to Section 366.093(e), Florida Statutes. Gulf asserts that the public disclosure of this information would cause irreparable harm to the competitive interests of Gulf and the entity with whom it has negotiated a Commercial Service Agreement (CSA) contract under the Commercial Industrial Service rider (CIS). The CIS was approved by the Commission in Order No. PSC-96-1219-FOF-EI, issued in Docket No. 960789-EI on September 24, 1996. Gulf asserts that ESR Supplemental 2 contains commercially sensitive information that is not otherwise publicly available. According to Gulf, the ESR Supplemental 2 contains proprietary confidential business information regarding contractual terms and pricing. Public disclosure of this information would impair the ability of Gulf to negotiate terms and conditions in future CSAs that are the most favorable to Gulf and its general body of customers. The

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information is regarded as sensitive and confidential by the CIS rider customer because if the information were publicly disclosed, it would impact the customer's ability to compete in its "native markets." In the event such information is made public, Gulf asserts that future potential CIS rider customers may avoid the risk of public disclosure of their confidential information by refusing to negotiate with Gulf. This may lead to uneconomic bypass of Gulf's facilities. Thus, Gulf requests that this information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

Gulf requests that the information contained in Supplemental 2, lines 21-22 and 33-34 be granted confidential classification because this information is proprietary, confidential business information concerning contractual terms and pricing. Gulf asserts that the public disclosure of this information would impair the ability of Gulf to negotiate terms and conditions in future CSAs that are the most favorable to Gulf and its general body of customers. The information is regarded as sensitive and confidential by the CIS rider customer because if this information were publicly disclosed, it would impact the customer's ability to compete in its "native markets." In the event such information is made public, future potential CIS rider customers may avoid the risk of public disclosure of their confidential information by refusing to negotiate with Gulf. This may lead to uneconomic bypass of Gulf's facilities.

Upon review, it appears that the information contained in ESR Supplemental 2, for which confidential classification is requested, is entitled to confidential classification. Gulf asserts that the information for which it seeks confidential classification relates to contractual terms and pricing. The information appears to be confidential, proprietary business information the disclosure of which would harm the utility and its ratepayers as contemplated by Section 366.093(3), Florida Statutes. The information contained in ESR Supplemental 2 for which confidential classification has been requested shall be granted confidential classification for eighteen months from the date of the issuance of this Order as contemplated by Section 366.093(4), Florida Statutes.

It is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the information described above and contained in Document No. 00853-98 for which confidential classification has

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been requested is granted confidential classification. It is further

ORDERED that the information contained in Document No. 00853-98 for which confidential classification is requested is granted confidential classification for a period of eighteen months from the date of the issuance of this Order. It is further

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

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 24th Day of April, 1998.



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.