

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-98-0579-CFO-EI
ISSUED: April 24, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION
FOR PORTIONS OF GULF POWER COMPANY'S
EARNINGS SURVEILLANCE REPORT, SUPPLEMENTAL 2, FOR DECEMBER 1997
(DOCUMENT NOS. 02429-98 AND 02234-98)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Gulf Power Company (GPC) requests that its Earnings Surveillance Report, Supplemental 2 (Supplemental 2), be granted confidential classification. Order No. PSC-96-1219-FOF-EI, issued September 24, 1996, in Docket No. 960789-EI requires GPC to file Supplemental 2. GPC asserts that the information in Supplemental 2 is confidential information and is treated as such by GPC and the entity with which it has negotiated a Commercial Service Agreement (CSA) contract under the Commercial Industrial Service Rider (CIS) approved in Order No. PSC-96-1219-FOF-EI, issued September 24, 1996, in Docket No. 960789. GPC affirms that this information has not been publicly disclosed and is not otherwise available.

GPC requests that lines 21-22 and 33-34 of the Supplemental 2 be granted confidential classification. GPC maintains that this information is proprietary, confidential business information regarding contractual terms and pricing. According to GPC, the public disclosure of this information would impair the ability of GPC to negotiate terms and conditions in future CSAs that are the most favorable to GPC and its general body of customers. GPC asserts that the result of disclosure would be price convergence in future CSAs. Moreover, GPC contends, the public disclosure of this information may prevent GPC from successfully negotiating CSAs with customers. GPC maintains that this information is regarded as sensitive and confidential by the CIS rider customer because public disclosure of this information would impact the customer's ability to compete in its "native market." In the event such information is made public, GPC maintains that future potential CIS rider customers could avoid the risk of public disclosure of their confidential information by refusing to negotiate with GPC. GPC concludes that this may lead to uneconomic bypass of GPC's facilities. Thus, GPC requests that this information be granted

DOCUMENT NO. 02429-98

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confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

Upon review, it appears that the information for which GPC seeks confidential classification is proprietary, confidential business information which, if disclosed, would tend to harm the competitive interests of GPC and the entity with which it has negotiated a CSA contract. This information appears to be entitled to confidential classification under Section 366.093(3), Florida Statutes. In accord with Section 366.093(4), Florida Statutes, this information shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order.

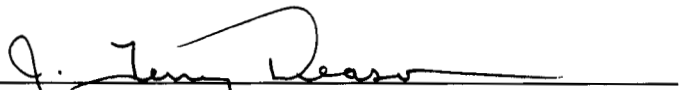
It is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the information contained in Document Nos. 02429-98 and 02234-98 is granted confidential classification. It is further

ORDERED that the information contained in Document Nos. 02429-98 and 02234-98 shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notice by the Commission to the parties of the declassification date of the material contained in Document Nos. 02429-98 and 02234-98.

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



J. TERRY DEASON
Commissioner and Prehearing Officer

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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, 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.