

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-98-0640-CFO-EI
ISSUED: May 7, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO GULF POWER COMPANY'S QUARTERLY REAL TIME PRICING PROGRAM REPORT FOR THE THIRD QUARTER OF 1997
(DOCUMENT NOS. 11801-97 AND 12484-97)

On December 5, 1997, Gulf Power Company (Gulf) requested confidential classification under Section 366.093(3)(e), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, for its Quarterly Real Time Pricing (RTP) Report for the Third Quarter of 1997 which it submitted to the Florida Public Service Commission pursuant to Order No. PSC-95-0256-FOF-EI. Gulf asserts that the information contained in the RTP for the third quarter of 1997, is entitled to confidential classification pursuant to Section 366.09(3)(e), Florida Statutes, because it contains information the public disclosure of which would cause irreparable harm to the competitive interests of Gulf and its customers taking service under Gulf's RTP rate schedule. Gulf further contends that the RTP Report contains proprietary and commercially sensitive information that is not otherwise publicly available. It contains proprietary confidential business information that details customer specific information that is regarded as sensitive and confidential by the customers taking service under rate schedule RTP. Gulf contends that public disclosure of this detailed customer information would impact the customer's ability to compete in their "native markets." Gulf asserts that the material for which it seeks confidential classification is intended to be, and is treated as, confidential by Gulf and its customers who take service pursuant to rate schedule RTP. Gulf maintains that this information has not otherwise been publicly disclosed.

Gulf requests that page 2 of exhibit "C" lines 1-8, columns A-Q and lines 9-24, columns R-CC, page 2, lines 1-16, column A-M, lines 17-20, columns N-DD, and lines 21-24, columns EE-QQ, and page 4, lines 1-9, columns A-L, and line 11 in its entirety be granted

DOCUMENT NUMBER-DATE

05161 MAY-7 8

FPSC-RECORDS/REPORTING

ORDER NO. PSC-98-0640-CFO-EI
DOCKET NO. 941102-EI
PAGE 2

confidential classification because this data is proprietary confidential business information that details customer specific information. Gulf asserts that 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. Gulf argues 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 markets. Thus, Gulf requests that this information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes. Gulf requests that confidential classification be granted for eighteen months from the date of this order.

Upon review, it appears that the information for which Gulf requests confidential classification is entitled to confidential treatment under Section 366.093(3)(d), Florida Statutes. This information appears to contain proprietary confidential business information that details customer specific information that is regarded as sensitive and confidential by the customers taking service under rate schedule RTP. Gulf contends that public disclosure of this detailed customer information would impact the customers' abilities to compete in their "native markets."

It is therefore

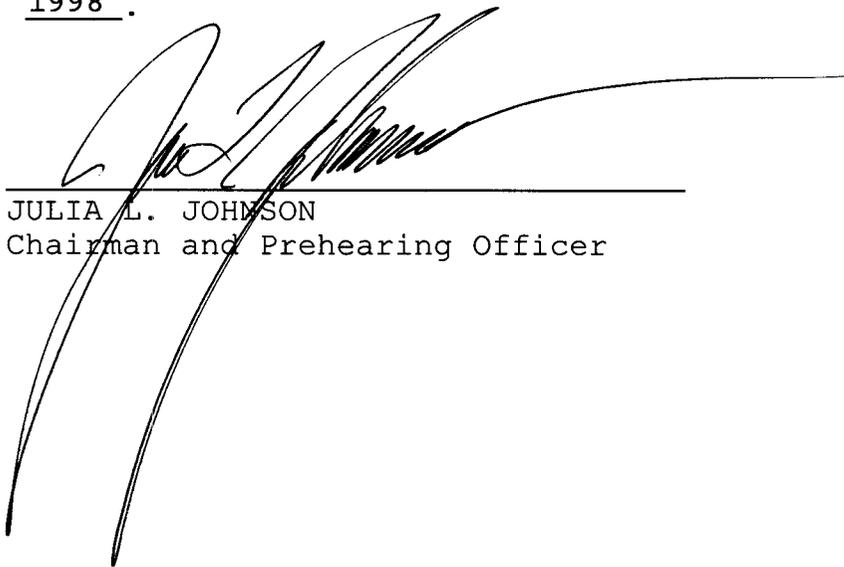
ORDERED that Gulf Power Company's Quarterly Real Time Pricing Program Report for the Third Quarter 1997 be granted confidential classification as set forth in the body of this order. It is further

ORDERED that the information contained in Document Nos. 11801-97 and 12484-97 for which confidential classification is requested shall extend for a period of eighteen months from the date of the issuance of this order. 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.

ORDER NO. PSC-98-0640-CFO-EI
DOCKET NO. 941102-EI
PAGE 3

By ORDER of Chairman Julia L. Johnson, as Prehearing Officer,
this 7th Day of May, 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,

ORDER NO. PSC-98-0640-CFO-EI
DOCKET NO. 941102-EI
PAGE 4

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.