

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-98-0654-CFO-EI  
ISSUED: May 8, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION  
TO PORTIONS OF GULF POWER COMPANY'S  
QUARTERLY COMMERCIAL INDUSTRIAL SERVICE RIDER REPORT  
FOR THE THIRD QUARTER 1997 (DOCUMENT NO. 12482-97 CROSS-REFERENCE  
DOCUMENT NO. 11743-97)

Pursuant to Section 366.093(3)(e), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf), requests confidential classification of portions of its Quarterly Commercial Industrial Service Rider Report (Report) contained in Document No. 12482-97 (Cross-reference Document No. 11743-97). Gulf asserts that the information contained in the Report is confidential, proprietary business information the disclosure of which would cause irreparable harm to the competitive interests of the utility and the entity with whom it has negotiated a Contract Service Agreement (CSA) under the Commercial Industrial Service Rider (CISR) approved by this Commission in Order No, PSC-96-1219-FOF-EI on September 24, 1996.

Gulf asserts that the Report contains proprietary, confidential business information regarding contractual terms and pricing. Gulf contends that the material for which confidential classification is requested is intended to be, and is treated as, confidential by Gulf and the entity with whom it has entered a CSA contract and has not been otherwise publicly disclosed. Gulf claims that 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. Gulf also asserts that disclosure could prevent it from successfully negotiating CSAs with customers in the future. Gulf maintains that its CISR customers regard this information as sensitive and confidential because public disclosure of it would impact the customers' abilities to compete in their "native markets." In the event such information is made public, Gulf maintains that future potential CISR customers may avoid the risk of public disclosure of their confidential information by refusing

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to negotiate with Gulf. Gulf argues that this could lead to uneconomic bypass of its facilities. For these reasons, Gulf requests that this information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

Gulf requests that the information contained on page 1, lines 16 through 27, be granted confidential classification because this information is proprietary confidential business information regarding contractual terms and pricing. According to Gulf, public disclosure of this information would impair its ability to negotiate terms and conditions in future CSAs that are the most favorable to Gulf and its general body of customers. This information is customer specific. The information is regarded as sensitive and confidential by the CISR customer because its public disclosure would impact the customers' abilities to compete in their "native markets." Gulf contends that, in the event such information is made public, future potential CISR customers may avoid the risk of public disclosure of their confidential information by refusing to negotiate with Gulf. Gulf contends that this may lead to uneconomic bypass of its facilities.

Gulf also requests confidential classification of the information contained on page 1, lines 29 through 41, and page 2, lines 1 through 10, because this information is proprietary confidential business information regarding contractual terms and pricing. Gulf contends that public disclosure of this information would impair its ability to negotiate terms and conditions in future CSAs that are the most favorable to Gulf and its general body of customers. The result of public disclosure of the pricing information, according to Gulf, would be price convergence in future CSAs. Moreover, Gulf contends that the public disclosure of this information may prevent it from successfully negotiating CSAs with customers. The information is regarded as sensitive and confidential by the CISR customer because its public disclosure would impact the customers' abilities to compete in their "native markets." In the event such information is made public, future potential CISR customers may avoid the risk of public disclosure of their confidential information by refusing to negotiate with Gulf. Gulf asserts that this may lead to uneconomic bypass of its facilities.

Gulf requests that the information for which confidential classification is requested be granted confidential classification for a period of eighteen months from the date of the issuance of this order pursuant to Section 366.093(4), Florida Statutes.

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Upon review, it appears that this information is confidential, proprietary and contractual business information the disclosure of which could harm Gulf and the entity with which it has entered into a CSA contract pursuant to Section 366.093(3)(d), Florida Statutes. At present, it appears that Gulf has two customers with whom it has negotiated as CSA under the CISR tariff. A potential CISR customer could use the information for which confidential classification is requested to estimate the amount of the discount provided to the entities and use it to its own advantage, especially in any CISR negotiations with Gulf.


The information contained in Document Nos. 12482-97 and 11743-97 shall, therefore, be granted confidential classification for a period of eighteen months from the date of the issuance of this Order pursuant to Section 366.093(4), Florida Statutes.

It is therefore

ORDERED by Commissioner Terry J. Deason, as Prehearing Officer, that confidential classification is granted to portions of Document Nos. 12482-97 and 11743-97 as set forth in the body of this order. It is further

ORDERED that this information is granted confidential classification for a period of eighteen months from the date of the issuance of this order.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 8th day of May, 1998.

  
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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.