

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-99-0276-CFO-EI
ISSUED: February 11, 1999

ORDER GRANTING CONFIDENTIAL CLASSIFICATION
FOR PORTIONS OF GULF POWER COMPANY'S
EARNINGS SURVEILLANCE REPORT, SUPPLEMENTAL 2, FOR SEPTEMBER 1998
(DOCUMENT NO. 12775-98)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Gulf Power Company (Gulf) requests that its Earnings Surveillance Report, Supplemental 2 for September, 1998, (Supplemental 2), be granted confidential classification. Order No. PSC-96-1219-FOF-EI, issued September 24, 1996, in Docket No. 960789-EI requires Gulf to file Supplemental 2. Gulf asserts that the information in Supplemental 2 is confidential information and is treated as such by Gulf and the entity with which it has negotiated a Commercial Service Agreement (CSA) contract under the Commercial Industrial Service Rider (CISR) approved in Order No. PSC-96-1219-FOF-EI, issued September 24, 1996, in Docket No. 960789-EI. Gulf affirms that this information has not been publicly disclosed and is not otherwise available.

Gulf requests that lines 21-22 and 33-34 of the Supplemental 2 be granted confidential classification. Gulf maintains that this information is proprietary, confidential business information regarding contractual terms and pricing. According to Gulf, 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. Gulf asserts that the result of disclosure would be price convergence in future CSAs. Moreover, Gulf contends, the public disclosure of this information may prevent Gulf from successfully negotiating CSAs with customers. Gulf maintains that this information is regarded as sensitive and confidential by the CISR 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, Gulf maintains that future potential CISR customers could avoid the risk of public disclosure of their

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confidential information by refusing to negotiate with Gulf. Gulf concludes that 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.

Upon review, it appears that the information for which Gulf seeks confidential classification is proprietary, confidential business information which, if disclosed, would tend to harm the competitive interests of Gulf and the entity with which it has negotiated a CSA contract. It appears as if the public disclosure of this information may prevent Gulf from successfully negotiating CSAs with customers. This information is regarded as sensitive and confidential by the CISR 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, it appears as if future potential CISR customers could 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. Therefore, this information is 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 No. 12775-98 is granted confidential classification. It is further

ORDERED that the information contained in Document No. 12775-98 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 No. 12775-98.

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 11th Day of February, 1999.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

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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.