

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power
Cost Recovery Clause and
Generating Performance Incentive
Factor.

DOCKET NO. 990001-EI
ORDER NO. PSC-99-0766-CFO-EI
ISSUED: April 20, 1999

ORDER DENYING CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 07660-98)

Pursuant to Rule 25-22.006, Florida Administrative Code and Section 366.093, Florida Statutes, on July 21, 1998, Gulf Power Company (Gulf) filed a request for confidential classification of its June, 1998, Actual Monthly Fuel Filing (Document No. 07660-98). Gulf refiled this same information without request for confidentiality in Document No. 09092-98, filed August 24, 1998. The information contained in Document No. 07660-98, therefore, does not meet the statutory criteria for granting confidential classification. Pursuant to Section 366.093(3), Florida Statutes, there are only three exceptions whereby information which has been disclosed may be granted confidential classification:

[when it is] disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

The information in Document No. 07660-98 does not fall into any of these three exceptions. This information is, therefore, in the public record and cannot be granted confidential classification.

It is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the information contained in Document No. 07660-98 is denied confidential classification.


DOCUMENT NUMBER-DATE

04983 APR 20 89

FPSC-RECORDS/REPORTING

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 20th day of April, 1999.



SUSAN F. CLARK, 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 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

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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.

M E M O R A N D U M

APRIL 20, 1999

RECEIVED-FPSC

59 APR 20 PM 1:50

RECORDS AND
REPORTING

TO : DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF LEGAL SERVICES (JAYE) *RUE*
RE : DOCKET NO. 990001-EI - FUEL AND PURCHASED POWER COST
RECOVERY CLAUSE AND GENERATING PERFORMANCE INCENTIVE
FACTOR

DOCUMENT NO. 07660-98

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Attached is an ORDER DENYING CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 07660-98) to be issued in the above docket. [Number
of pages ~~8~~ 13]

GAJ/js

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cc: Division of Electric and Gas
Division of Auditing and Financial Analysis

MUST GO TODAY

*faxed 10/3:35.
mailed to*