

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for rate increase  
by Gulf Power Company.

DOCKET NO. 010949-EI  
ORDER NO. PSC-01-2254-CFO-EI  
ISSUED: November 16, 2001

ORDER GRANTING IN PART AND DENYING IN PART CONFIDENTIAL  
CLASSIFICATION OF CERTAIN INFORMATION CONTAINED IN PORTIONS OF  
GULF POWER COMPANY'S MINIMUM FILING REQUIREMENTS  
(DOCUMENT NO. 11261-01)

On September 10, 2001, Gulf Power Company (Gulf), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, filed a request for confidential classification for certain information contained in specified portions of Schedules E-16c, E-18a, E-18b, and E-18c in Gulf's Minimum Filing Requirements (MFRs) in Docket No. 010949-EI. The information for which Gulf seeks confidential classification was filed with the Commission as Document No. 11261-01.

Gulf asserts that the information contained in the above referenced schedules for which confidential classification is sought, are proprietary confidential business information within the meaning of Section 366.093(3)(a), Florida Statutes. Gulf represents that the information contained in the above referenced schedules reveals the specific billing determinants of three customers. Gulf also states that disclosure of the specified information contained in Document No. 11261-01 would cause irreparable harm to the competitive interests of one or more of Gulf's customers and would disclose trade secrets of the provider of that information.

Gulf's request for confidential treatment for the pages, lines, and columns listed in Tables 1 and 2, shown below, is denied. Table 1 contains information that does not reveal customer-specific load and usage data. Therefore, such information does not qualify as proprietary confidential business information within the meaning of Section 366.093, Florida Statutes.

DOCUMENT NUMBER-DATE

14572 NOV 16 2001

FPSC-COMMISSION CLERK

TABLE 1

SCHEDULE	PAGE	LINE(S)	COLUMN(S)
E-16c	15 of 17	18	A, B, C, D
E-16c	16 of 17	18 and 19	A, B, C, D
E-18a	1 of 1	all lines	A, B, C, D
E-18b	1 of 2	13-28	A
E-18b	2 of 2	13-16	A, B, C, D, E

Table 2 contains information that is available in Gulf's FERC Form No. 1: Annual Report of Major Electric Utilities, Licensees and Others. The *Sales of Electricity by Rate Schedule* reports in the FERC Form 1 is a public document. The information for 1998, 1999, and 2000 contain the same or similar information as shown in Table 2. Thus, the information contained in Table 2 does not qualify as proprietary confidential business information within the meaning of Section 366.093, Florida Statutes.

TABLE 2

SCHEDULE	PAGE	LINE(S)	COLUMN(S)
E-18c	1 of 2	14-25	A, B
E-18c	2 of 2	13-25	A, B

The information in Table 3 is entitled to confidential classification pursuant to Section 366.093, Florida Statutes, because such information contains customer-specific historic and projected usage data which qualifies as proprietary confidential business information.

**TABLE 3**

SCHEDULE	PAGE	LINE(S)	COLUMN(S)
E-16c	15 of 17	22, 27, 28, 34	A, B, C, D
E-16c	15 of 17	37, 38, 40	B, D
E-16c	16 of 17	22, 23, 26, 27, 30, 33-36, 38	A, B, C, D
E-16c	17 of 17	22-27	A, B, C, D
E-16c	17 of 17	16, 29, 31, 32	B, D
E-16c	17 of 17	30	B
E-18b	1 of 2	32,36-47,49,52	A
E-18b	2 of 2	18, 20, 22, 26-28, 32, 36- 47, 49, 52	A, B, C, D, E
E-18c	1 of 2	29, 33-44, 46, 49	A, B
E-18c	2 of 2	29,33-44,46,49	A, B

For these reasons, I find that the information outlined in Table 3 is entitled to confidential classification. However, Tables 1 and 2 contain information not entitled to confidential classification. Accordingly, Gulf's request for confidential classification for certain information contained in specified portions of Schedules E-16c, E-18a, E-18b, and E-18c in Gulf's Minimum Filing Requirements (MFRs) in Docket No. 010949-EI is denied in part and granted in part.

Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, unless the Commission finds good cause to specify a longer period. Gulf did not request an extension to this period of classification. As such, the information identified in Table 3 from Document No. 11261-01 shall be granted confidential

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classification for a period of eighteen months from the date of issuance of this Order.

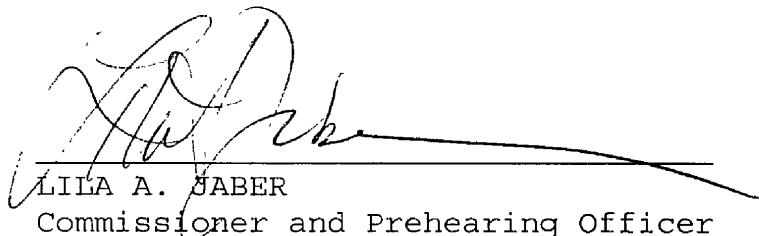
Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification is denied in part and granted in part as set forth in the body of this Order. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 11261-01 is granted confidential classification for a period of eighteen months from the date 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.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 16th day of November, 2001.

  
LILA A. JABER  
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

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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 the Commission Clerk and Administrative Services, 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.