

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 010949-EI  
ORDER NO. PSC-02-0463-CFO-EI  
ISSUED: April 4, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR  
CERTAIN PORTIONS OF GULF POWER COMPANY'S  
RATE CASE AUDIT REPORT AND STAFF WORK PAPERS

On January 29, 2002, Gulf Power Company (Gulf), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, filed its Request for Confidential Classification for certain specified portions of the Rate Case Audit Report (Audit Report), filed January 9, 2002, and the Staff Work Papers (Work Papers), filed January 9, 2002, related thereto. The staff working papers were filed with the Commission as Document No. 00295-02, and the Audit Report was filed with the Commission as Document No. 00296-02.

On February 22, 2002, after discussions with staff, Gulf Power reduced and revised its request and filed its Amended Request for Confidential Classification, which clarified its reasons as to why the material needed a confidential classification, and withdrew certain specified portions of the Staff working papers and Audit Report.

Work Papers at Page 9-7

In support of its amended request for confidential classification of the Work Papers at page 9-7, Gulf asserts that the information contained therein is entitled to confidential classification pursuant to Section 367.093(3)(d) and (e), Florida Statutes, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf, and would reveal specific contract provisions regarding one or more contracts to which Gulf is a party. Specifically, Gulf states that this information consists of a discussion about coal contract provisions between Gulf and one or more of its suppliers. Further, Gulf states that if this information were to be made public, it would significantly impair Gulf's ability to enter into similar contracts for coal.

DOCUMENT NUMBER-DATE

03834 APR-4 2002

FPSC-COMMISSION CLERK

Upon review, it appears that the information contained in the Working Papers at page 9-7 contains proprietary, confidential information which, if disclosed, would cause irreparable harm to the business interests of Gulf. Accordingly, Gulf's request for confidential classification for the Work Papers at page 9-7, is granted.

Work Papers at Pages 9-16 through 9-50, 9-52 through 9-66, 9-73 through 9-74, 9-76 through 9-80, and 9-88 through 9-100

In support of its amended request for confidential classification of the Work Papers at pages 9-16 through 9-50, 9-52 through 9-66, 9-73 through 9-74, 9-76 through 9-80, and 9-88 through 9-100, Gulf asserts that all of the information contained therein is entitled to confidential classification pursuant to Section 366.093(3)(a) and (e), Florida Statutes, and the public disclosure of which would cause irreparable harm to the competitive interests of Gulf. Gulf states that these Work Papers consist of excerpts and actual pages from the work papers of an accounting firm retained by Gulf to conduct an audit. Gulf states that this information is considered confidential work product by that audit firm and contains competitively sensitive work plans and audit strategies of that audit firm. Further, Gulf states that the information contains competitively sensitive business information with regard to Gulf's business operations, and this proprietary and commercially sensitive information is not otherwise publically available, and its disclosure would impair the competitive business of Gulf Power.

Upon review, it appears that all of the information contained in the Work Papers at pages 9-16 through 9-50, 9-52 through 9-66, 9-73 through 9-74, 9-76 through 9-80, and 9-88 through 9-100 contains proprietary, confidential information which, if disclosed, would cause irreparable harm to the business interests of Gulf. Accordingly, Gulf's request for confidential classification for information contained in the Work Papers at pages 9-16 through 9-50, 9-52 through 9-66, 9-73 through 9-74, 9-76 through 9-80, and 9-88 through 9-100, is granted.

Work Papers at Pages 54-1 through 54-51

In support of its request for confidential classification of the Work Papers at pages 54-1 through 54-51, Gulf asserts that the

information contained therein is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf. Gulf states that these papers are its tax return for the 2000 calendar year, and that its tax return contains detailed financial information that is considered by Gulf to be competitively sensitive. Further, its tax return provides an organized and highly detailed presentation of Gulf's financial performance that is not otherwise publically available for Gulf or any of the entities with whom it competes. Gulf states that the level of detail provided in the tax return far exceeds the level of detail that is provided publically by the company, and that tax returns are protected from disclosure under Federal law.

Upon review, it appears that all of the information contained in the Work Papers at pages 54-1 through 54-51 contains proprietary, confidential business information which, if disclosed, would cause irreparable harm to the business interests of Gulf. Accordingly, Gulf's request for confidential classification for the information contained in the Work Papers at pages 54-1 through 54-51, is granted.

Work Papers at Pages 54-53 through 54-58

In support of its request for confidential classification of the Work Papers at pages 54-53 through 54-58, Gulf asserts that the information contained therein is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf. Gulf states that these work papers contain detailed information taken from Gulf's tax returns, and for the reasons discussed above, is considered by Gulf to be financially sensitive information.

Upon review, it appears that all of the information contained in the Work Papers at pages 54-1 through 54-51 contains proprietary, confidential business information which, if disclosed, would cause irreparable harm to the business interests of Gulf. Accordingly, Gulf's request for confidential classification for the information contained at the Work Papers at pages 54-1 through 54-51, is granted.

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Section 367.093(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 Document Nos. 00295-02 and 00296-02, as described above, shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

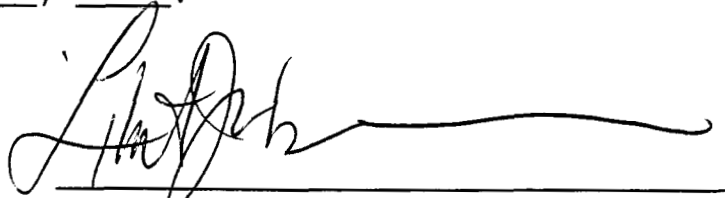
Based on the foregoing, it is

ORDERED by Chairman Lila A. Jaber, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 00295-02 and 00296-02 shall be granted confidential classification. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. 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 Chairman Lila A. Jaber, as Prehearing Officer, this 4th day of April, 2002.



LILA A. JABER  
Chairman and Prehearing Officer

( S E A L )

LAE

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.

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.