

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

DOCKET NO. 060001-EI  
ORDER NO. PSC-06-0832-CFO-EI  
ISSUED: October 6, 2006

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION TO CERTAIN PORTIONS OF DOCUMENTS PRODUCED IN RESPONSE TO REQUESTS 3 AND 5 OF STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (DOCUMENT NO. 07336-06 (x-ref. DOCUMENT NOS. 13298-04, 13593-04, AND 00183-05))

This Order addresses the continuation of confidential treatment for certain information contained in documents responsive to request numbers 3 and 5 of Staff's Second Request for Production of Documents filed in the 2005 fuel hearing. By Order No. PSC-05-0202-CFO-EI, issued February 21, 2005, in Docket No. 050001-EI, In re: Fuel and purchased power cost recovery clause with generating performance incentive factor, the Commission initially granted confidential classification for the documents. On August 14, 2006, Gulf Power Company (Gulf) requested that confidential treatment be extended for the information contained in Document No. 07336-06 (x-ref. Document Nos. 13298-04, 13593-04, and 00183-05). The documents were originally granted confidentiality for 18 months, and Gulf now requests that confidentiality be extended for an additional 18 months.

In its request, Gulf states that the period of confidential classification granted by Order No. PSC-05-0202-CFO-EI will soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes.

Gulf requests confidential classification for certain portions of documents produced by Gulf in response to request numbers 3 and 5 of Staff's Second Request for Production of Documents in Docket No. 050001-EI. Gulf contends that this information contains proprietary and commercially sensitive information regarding competitive interests, trade secrets and contractual matters of Gulf, the disclosure of which would cause irreparable harm to the company and its customers. According to Gulf, the confidential documents contain the terms of several coal and gas supply contracts. The pricing terms of these contracts are regarded as confidential by Gulf and the party with whom it has contracted. Gulf states that other members of the market in which it competes consider this type of information to be trade secret and competitively sensitive. Gulf asserts that disclosure of this information would negatively impact Gulf's ability to negotiate pricing favorable to its customers in future coal and gas supply contracts because other parties may refuse to contract with Gulf if so doing results in the price terms being made public or the fuel supplier may price the fuel at market price and Gulf currently pays less. In addition, Gulf states that the material is intended to be and is treated by Gulf as private, and has not been disclosed. Nothing has changed since the issuance of Order

DOCUMENT NUMBER - DATE

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No. PSC-05-0202-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate, according to Gulf.

As a result, Gulf requests that the information identified in Order No. PSC-05-0202-CFO-EI be accorded confidential classification for an additional 18 month period.

Upon review, it appears that the information discussed above continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. The information contains "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information" or "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." The information has not become stale or become part of public information. Therefore, Gulf's request for extension of confidential treatment of Document No. 07336-06 (x-ref. Document Nos. 13298-04, 13593-04, and 00183-05) is granted as set forth in the body of this Order.

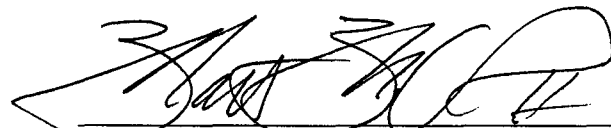
Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. Accordingly, the information identified in Document No. 07336-06 (x-ref. Document Nos. 13298-04, 13593-04, and 00183-05), shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the information described in the body of this Order and contained in Document No. 07336-06 (x-ref. Document Nos. 13298-04, 13593-04, and 00183-05) shall be granted confidential classification for a period of 18 months from the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 6th day of October, 2006.



MATTHEW M. CARTER II  
Commissioner and Prehearing Officer

( S E A L )

LCB/pz

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; or (2) 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.