

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 070001-EI
ORDER NO. PSC-07-0949-CFO-EI
ISSUED: November 28, 2007

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
FILED IN DOCKET NO. 060001-EI
(DOCUMENT NOS. 07831-06 AND 08288-06)

On September 12, 2006, Gulf Power Company (GULF) requested that certain portions of staff's working papers obtained or prepared during the "Gulf Power Company Fuel Clause Audit for the Twelve Month Period Ended December 31, 2005" be exempted from public access in accordance with Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. The portions of the audit which are subject to the requests are staff's working papers identified as Document Nos. 07831-06 and 08288-06. This request was filed in Docket No. 060001-EI.

Section 366.093(1), Florida Statutes, provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3)(d) and (e), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliate to contract for goods or services on favorable terms," and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

GULF contends that the information falls within these categories and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. GULF states that this information is intended to be and is treated by GULF as private and has not been publicly disclosed.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

GULF requests that the following information be granted confidential classification:

Staff Work Paper Number	Associated Document Number Assigned by Gulf Power	Page(s)	Line(s)	Type of Information
48-1.1	1	1	Cols. A-B, 1-31; Cols. C-D, 1,7-10, 16-17,25-29	Sensitive Contractual And Competitive Business Information
48-1.2	2	1	Cols. A-B, 1-30; Cols. C-D, 1-2,6-10, 16-18,22-26	Sensitive Contractual And Competitive Business Information
48-2.1	3	1	Cols. A-B, 1-30; Cols. C-D, 1-2,6-10, 16-18,22-26	Sensitive Contractual And Competitive Business Information
48-2.2	4	1	Cols. A-B, 1-33; Cols. C-D, 1,5-9, 14-16,25-30	Sensitive Contractual And Competitive Business Information
48-3.1	5	1	Cols. A-B, 1-33; Cols. C-D, 1,5-9, 14-16,25-30	Sensitive Contractual And Competitive Business Information
48-3.2	6	1	Col. A; 1-39; Col B. 40-41; Col. C, 1-41; Cols. D-E, 1-4, 11-12,20-24,35	Sensitive Contractual And Competitive Business Information
48-4.1	7	1	Col. A; 1-39; Col B. 40-41; Col. C, 1-41; Cols. D-E, 1-4, 11-12,20-24,35	Sensitive Contractual And Competitive Business Information

Staff Work Paper Number	Associated Document Number Assigned by Gulf Power	Page(s)	Line(s)	Type of Information
48-4.2	8	1	Col. A; 1-43; Col B. 44-45; Col. C, 1-45; Cols. D-E, 1-3, 8-11,19-25,36-37	Sensitive Contractual And Competitive Business Information
48-5.1	9	1	Col. A; 1-43; Col B. 44-45; Col. C, 1-45; Cols. D-E, 1-3, 8-11,19-25,36-37	Sensitive Contractual And Competitive Business Information
48-5.2	10	1	Col. A, 1-46; Cols. B-C, 47-48; Col. D, 1-46; Cols. E-F, 1-2,7-11, 18-25,30-31,37-41	Sensitive Contractual And Competitive Business Information
48-6.1	11	1	Col. A, 1-46; Cols. B-C, 47-48; Col. D, 1-46; Cols. E-F, 1-2,7-11, 18-25,30-31,37-41	Sensitive Contractual And Competitive Business Information
48-6.2	12	1	Col. A, 1-49; Col. B, 50-51; Col. C, 1-51 Col. D-E, 1-3,10-14, 21-27,33-34,42-45	Sensitive Contractual And Competitive Business Information

Staff Work Paper Number	Associated Document Number Assigned by Gulf Power	Page(s)	Line(s)	Type of Information
48-7.1	13	1	Col. A, 1-49; Col. B, 50-51; Col. C, 1-51 Col. D-E, 1-3,10-14, 21-27,33-34,42-45	Sensitive Contractual And Competitive Business Information
48-7.2	14	1	Col. A, 1-46; Col. B, 47-48; Col. C, 1-48 Col. D-E, 1-5,10-13, 20-26,32-34,39-42	Sensitive Contractual And Competitive Business Information
48-8.1	15	1	Col. A, 1-46; Col. B, 47-48; Col. C, 1-48 Col. D-E, 1-5,10-13, 20-26,32-34,39-42	Sensitive Contractual And Competitive Business Information
48-8.2	16	1	Col. A, 1-49; Col. B, 50-51; Col. C, 1-51 Col. D-E, 1-3,9-13, 21-27,35-36,41-43	Sensitive Contractual And Competitive Business Information
48-8.3	17	1	Cols. A-B, 1	Sensitive Contractual And Competitive Business Information
48-9.1	18	1	Col. A, 1-49; Col. B, 50-51; Col. C, 1-51 Col. D-E, 1-3,9-13, 21-27,35-36,41-43	Sensitive Contractual And Competitive Business Information

Staff Work Paper Number	Associated Document Number Assigned by Gulf Power	Page(s)	Line(s)	Type of Information
48-9.2	19	1	Col. A, 1-49; Col. B, 50-51; Col. C, 1-51 Col. D-E, 1-2,8-13, 22-27,37,42-45	Sensitive Contractual And Competitive Business Information
48-9.3	20	1	Cols. A-B, 1	Sensitive Contractual And Competitive Business Information
48-10.1	21	1	Col. A, 1-49; Col. B, 50-51; Col. C, 1-51 Col. D-E, 1-2,8-13, 22-27,37,42-45	Sensitive Contractual And Competitive Business Information
48-10.2	22	1	Cols A-B, 1-56; Cols. C-D, 1-5,12-17, 24-31,39-41,47-51	Sensitive Contractual And Competitive Business Information
48-11.1	23	1	Cols A-B, 1-56; Cols. C-D, 1-5,12-17, 24-31,39-41,47-51	Sensitive Contractual And Competitive Business Information
48-11.2	24	1	Cols A-B, 1-39; Cols. C-D, 1-4,9-12, 16-20,25-27,32-35	Sensitive Contractual And Competitive Business Information
48-11.3	25	1	Cols A-B, 1-36; Cols. C-D, 1-4,7-10, 16-20,25-27,30-33;	Sensitive Contractual And Competitive Business Information

GULF asserts that the information reports detailed hedging information including specific cost information. According to GULF, this information reports contractual matters, the release of which would cause irreparable harm to GULF, the entities with whom it has contracted, and GULF's customers. According to GULF, disclosure of the information would adversely affect its ability to conduct its hedging activities and would impair its ability to enter into contracts. Moreover, GULF alleges that release of this information would impair its competitive business.

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and shall be treated as confidential. The information constitutes

“[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliate to contract for goods or services on favorable terms,” or “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, this information is granted confidential classification.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless GULF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that Gulf Power Company’s Request for Confidential Classification of Document Nos. 07831-06 and 08288-06 is granted. It is further

ORDERED that the information in Document Nos. 07831-06 and 08288-06 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. It is further

ORDERED that this Order shall 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 28th day of November, 2007.



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 Office of Commission Clerk, 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.