

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 110007-EI  
ORDER NO. PSC-11-0407-CFO-EI  
ISSUED: September 23, 2011

ORDER GRANTING GULF POWER COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 02190-11)

On April 1, 2011, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (Gulf Power or Company) filed a request for confidential classification (Request) of "certain portions of its Environmental Compliance Program Update for the Clean Air Interstate Rule and Clean Air Visibility Rule (Compliance Program)" (Document No. 02190-11).

Request for Confidential Classification

Section 366.093(1), F.S., 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 Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes information that 1) is intended to be and is treated by the company as private, 2) disclosure of the information would cause harm to the company's ratepayers or business operations, and 3) the information has not been voluntarily disclosed to the public. 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 affiliates 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 information" *Id.* at (d-e).

Gulf Power contends that portions of its Compliance Program, as more specifically described in Exhibit C to its Request, "is intended to be and is treated as, confidential by . . . Gulf Power and . . . has not been otherwise publicly disclosed." The information is described as follows:

- projected capital expenditures, by plant and by project, the disclosure of which could negatively impact the ability of Gulf Power "to negotiate pricing favorable to its customers when contracting" for materials needed by the Company to implement its Compliance Program.
- projected operation and maintenance expenses, by plant and by project, the disclosure of which could negatively impact the ability of Gulf Power "to negotiate pricing favorable

DOCUMENT NUMBER - DATE

06890 SEP 23 =

FPSC-COMMISSION CLERK

to its customers when contracting” for services needed by the Company to implement its Compliance Program.

- unit-specific cost projections for combined cycle generation for use as coal retirement replacements, the disclosure of which could undermine Gulf Power’s “bargaining position in the markets where [the Company] must compete to obtain commodities and services or make purchases or sales of wholesale power” and negatively impact the Company’s “ability to negotiate pricing favorable to its customers in the event that [the Company] determined to sell one or more of its generating assets.”
- estimated allowance costs between 2012 and 2019, the disclosure of which could negatively impact Gulf Power’s ability to “negotiate pricing favorable to its customers when contracting for the purchase of allowances.”
- transmission cost assumptions and study results which are specific to Gulf Power’s generating plants, the disclosure of which could be utilized to both “undermine [the Company’s] bargaining position in the markets” and “negatively impact [the Company’s] ability to negotiate pricing favorable to its customers in the event that [the Company] determined to sell one or more of its generating assets.”

Based on the foregoing, the Gulf Power asserts that the information is entitled to confidential classification pursuant Section 366.093(d)-(e), F.S.

### Ruling

Upon review, I find that the information identified in Document No. 02190-11, as more specifically described in Exhibit C to the Company’s Request is treated by the Company as private, has not otherwise been disclosed, and concerns “contractual data, the disclosure of which would impair the efforts of the [the Company] . . . to contract for goods or services on favorable terms” and/or relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” As such, the information relates to competitive interests, which, if disclosed, would cause harm to Gulf Power’s ratepayers or business operations. Thus, the information shall be granted confidential classification pursuant to Section 366.093(3), F.S.

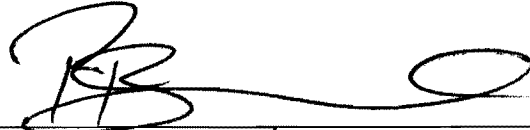
Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Gulf Power Company’s Request for Confidential Classification of portions of Document No. 02190-11, as detailed in Exhibit C to its Request, is granted. It is further

ORDERED that the information in Document No. 02190-11 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. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Gulf Power Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 Ronald A. Brisé, as Prehearing Officer, this 23rd day of September, 2011.



RONALD A. BRISÉ  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

CWM

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 25-22.0376, 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.