

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 140001-EI  
ORDER NO. PSC-14-0172-CFO-EI  
ISSUED: April 16, 2014

ORDER GRANTING GULF POWER COMPANY REQUEST FOR EXTENDED  
CONFIDENTIAL TREATMENT (DOCUMENT NO. 04502-12)

On February 18, 2014, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (Gulf) filed its first request for extension of confidential classification (Request) of information pursuant to Audit No. 12-013-1-2 (Document No. 04502-12). The request was filed in Docket No. 140001-EI.

Request for Confidential Classification

Gulf's original request for confidential treatment of information provided during the Audit was granted by Order No. PSC-12-0451-CFO-EI, issued August 28, 2012. Gulf contends that some of the information that was the subject of Order No. PSC-12-0450-CFO-EI warrants continued treatment as proprietary and confidential business information.

Gulf contends that a portion of the information submitted by Gulf Power in connection with the Review constitutes proprietary confidential business information concerning bids and other contractual data, the disclosure of which would impair the efforts of Gulf to contract for goods and services on favorable terms. Gulf asserts that the information is entitled to confidential classification pursuant to section 366.093(3)(d) and (e), F.S. Specifically, Gulf contends that the information consists of pricing data for coal, oil, and natural gas transportation/storage. Gulf contends that this pricing data is the product of contractual negotiations between Gulf and various counterparties and that contracts forming the basis for this pricing data are still in effect. Gulf further contends that the information is specific to individual contracts and is regarded by both Gulf and the counterparties as confidential. Gulf asserts that disclosure of this information would negatively impact Gulfs ability to negotiate pricing favorable to its customers in future contracts. In addition, Gulf argues that potential counterparties may refuse to enter into contracts with Gulf, or may charge higher prices, if the price terms were made public. Gulf contends that the information is intended to be, and is treated as, confidential by Gulf, and has not otherwise been publicly disclosed.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., 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), F.S., provides that proprietary confidential business information includes, but is not limited to:

(d) Information 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 and services on favorable terms.

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for continued classification as proprietary confidential business information. The information constitutes “information 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 and services on favorable terms” and “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document No. 04502-12 shall be granted continued confidential classification.

Pursuant to Section 366.093(4), F.S., 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), F.S., unless Gulf or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

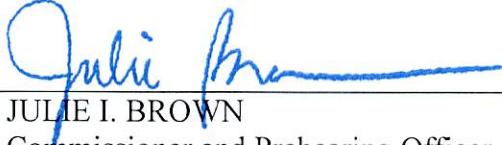
Based on the foregoing, it is

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Gulf Power Company’s Request for Extension of Confidential Classification of Document No. 04502-12 is granted. It is further

ORDERED that the information in Document No. 04502-12 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 will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 16th day of April, 2014.



JULIE I. BROWN  
Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 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.