

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Gulf
Power Company.

DOCKET NO. 110138-EI
ORDER NO. PSC-14-0285-CFO-EI
ISSUED: June 2, 2014

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF INFORMATION
PROVIDED PURSUANT TO AUDIT NO. 11-200-1-1
(DOCUMENT NOS. 07210-11 AND 07856-11)

On October 25, 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) filed its Request for Confidential Classification (Request) of certain information submitted by Gulf in connection with the Audit Control No. 11-200-1-1 (the Audit) (Document Nos. 07210-11 and 07856-11). This Request was filed in Docket No. 110138-EI.

Request for Confidential Classification

Gulf contends that designated portions of the information contained in the Audit, as more specifically described in Attachment C to its Request, constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Gulf contends that this information is intended to be and is treated by the Utility as private and has not been publicly disclosed.

Gulf avers that the documents which comprise a portion of the information submitted by the Utility in response to Commission Data Requests and also included in staff's work papers constitutes "proprietary confidential business information" as defined by Section 366.093(3), F.S. Gulf argues that some of the documents or material asserted by Gulf to be proprietary confidential business information contain or constitute contractual data such as pricing and other terms, payment records, and vendor and supplier rates. According to Gulf, the disclosure of this information would negatively impact Gulf's ability to negotiate payment terms favorable to its customers in future power purchase agreements.

Gulf further asserts that the documents contain a listing of property damage claims, amounts owed, and the status of each claim. Gulf alleges that disclosure of this information could impair the company's efforts to negotiate settlements favorable to its customers and would reveal legal strategies for resolution of these outstanding claims.

In addition, Gulf asserts that the documents also contain budgeting and forecasting information. Gulf argues that the disclosure of this information would negatively impact the ability of Gulf to negotiate favorable terms for its customers in future contracts and wholesale transactions.

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 or 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 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 or 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 Nos. 07210-11 and 07856-11 shall be granted confidential classification.

Section 366.093(4), F.S., 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. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless the Utility 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 Lisa Polak Edgar, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of Document Nos. 07210-11 and 07856-11 is granted. It is further

ORDERED that the information in Document Nos. 07210-11 and 07856-11, 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. 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 Lisa Polak Edgar, as Prehearing Officer, this 2nd day of June, 2014.



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

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

CMK

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.