

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 170001-EI
ORDER NO. PSC-17-0172-CFO-EI
ISSUED: May 12, 2017

ORDER GRANTING TAMPA ELECTRIC COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 03995-17)

On April 3, 2017, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Tampa Electric Company (TECO) filed a request for Confidential Classification (Request) of pages 13, 14, and 15 of its 2016 Hedging Activity True-Up Report (Report) (Document No. 03995-17). Portions of this information has previously been granted confidentiality pursuant to Order No. PSC-16-0542-CFO-EI, issued on November 28, 2016.

Request for Confidential Classification

TECO contends that the information on pages 13, 14 and 15 of its 2016 Hedging Activity True-Up Report, contained in Exhibit (JBC-1) attached to J. Brent Caldwell's testimony, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. TECO asserts that this information is intended to be and is treated by TECO as private and has not been publicly disclosed.

The information contained on pages 13, 14, and 15 of its 2016 Hedging Activity True-Up Report is information regarding the hedged volume and prices for natural gas traded as well as coal contract prices paid in 2016. TECO argues that this information is protected by Sections 366.093(3)(d) and (e), F.S. TECO has requested confidentiality for a period of three years for the Report since it provides detailed natural gas and coal purchase strategies of a continuing nature which will be in place for more than 18 months.

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 natural gas and coal sales information, if disclosed, could be used by suppliers to negotiate more favorable terms for these commodities to the detriment of TECO's ratepayers. Further, portions of this sales and pricing information has previously been granted confidentiality. Thus, the information identified in Document No. 03995-17 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., confidential classification may only extend for up to 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period." TECO appears to have provided sufficient information concerning the harm which could arise from not protecting this information for a minimum of three years. Accordingly, the information identified in Document No. 03995-17, shall be granted confidential classification for a period of three years from the issuance of this Order.

Based on the foregoing, it is hereby

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Tampa Electric Company's Request for Confidential Classification of Document No. 03995-17, is granted, as set forth herein. It is further

ORDERED that the information in Document No. 03995-17 for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 36 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 Ronald A. Brisé, as Prehearing Officer, this 12th day of May, 2017.



RONALD A. BRISÉ
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.

SBr

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.