

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of document request responses and portions of staff's audit report entitled Review of the Payment Arrangement Programs Offered by the Florida Electric Industry by Gulf Power Company.

DOCKET NO. 120200-EI
ORDER NO. PSC-17-0175-CFO-EI
ISSUED: May 16, 2017

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR EXTENDED
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 04152-12)

On April 12, 2017, 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 a request for extended confidential classification (Request) of a certain document included in the Commission's Review of Investor-Owned Utilities Payment Arrangement Programs (Document No. 04152-12). On September 3, 2015, Gulf Power filed a previous request for extended classification of the confidential information in Document No. 04152-12. On October 12, 2015, by Order No. PSC-15-0435-CFO-EI, Gulf's request for extended confidential classification was granted. Gulf also filed a Request for Extended Confidential Classification of Document No. 04152-12 on February 12, 2014. On March 6, 2014, Document No. 04152-12 was granted extended confidential classification through September 6, 2015, by Order No. PSC-14-0122-CFO-EI. Gulf filed its original request for confidential classification of Document No. 04152-12 on June 22, 2012. Confidential classification of this document through February 14, 2014, was granted on August 14, 2012, by Order No. PSC-12-0416-CFO-EI.

Request for Extended Confidential Classification

In its Request, Gulf states that the information covered by Order No. PSC-15-0435-CFO-EI warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S. Gulf states that the information is entitled to extended confidential classification for the same reasons that it was originally classified as confidential, i.e., that it is "proprietary confidential business information." Gulf states that this information is intended to be and is treated as confidential by Gulf.

Ruling

Upon review, it appears that information contained in Document No. 04152-12 continues to be proprietary confidential business information within the meaning of Section 366.093, F.S., to the same extent confidentiality was granted by Order No. PSC-15-0435-CFO-EI. The information contained in Document No. 04152-12, as identified line by line in Exhibit C attached hereto, appears to detail Gulf's internal policies and procedures concerning late payment arrangements. Gulf asserts that public disclosure of this information would enable customers to

“game” the system, resulting in unnecessary delays in bill payment and increased delinquencies and write-offs. This would adversely affect the financial integrity of Gulf and ultimately work to the detriment of Gulf’s general body of customers. This information therefore qualifies as proprietary confidential business information pursuant to Section 366.093(3)(e), F.S., since it consists of “competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Accordingly, Gulf’s request for extended confidential treatment of the information contained in Document No. 04152-12 shall be granted.

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 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 Ronald A. Brisé, as Prehearing Officer, that Gulf Power Company’s Request for Extended Confidential Classification of the information contained in Document No. 04152-12 is granted. It is further

ORDERED that the information in Document No. 04152-12 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date 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. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 16th day
of May, 2017.



RONALD A. BRISE
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.

EXHIBIT "C"

Line-by-Line/Field-by-Field Justification

Line(s)/Field(s)

Staff's Draft Report

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Justification

This information is entitled to confidential classification pursuant to §366.093(3)(e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 2.