

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 170007-EI
ORDER NO. PSC-17-0198-CFO-EI
ISSUED: May 19, 2017

ORDER GRANTING GULF POWER COMPANY'S
THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 04035-11, AND NO. 03567-11)

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 or Company) filed its Third Request for Extension of Confidential Classification of materials provided in response to Audit Control No. 11-005-1-2 (Request).

Request for Extended Confidential Classification

In its Request, Gulf states that on June 10, 2011, it filed a request for confidential classification of information provided in connection with a review of its environmental cost recovery expenditures in Docket No. 110007-EI, which was granted by Order No PSC-11-0498-CFO-EI.¹ Pursuant to Section 366.093(4), F.S., this information will be made public at the end of an 18 month period unless Gulf shows, and this Commission finds, that the documents continue to contain proprietary confidential business information. By its Request, Gulf asserts that the information identified in Exhibit C of its original June 10, 2011 request is treated as confidential by Gulf and has not otherwise been publicly disclosed.

On April 16, 2013, the Company filed its First Request for Extended Confidential classification of the information at issue which was granted by Order No. PSC-14-0111-CFO-EI. By its Request, Gulf asks that we enter an order extending, for an additional 18 month period, the confidential classification of the identified information. On August 24, 2015,² the Company filed its Second Request for Extended Confidential classification of the information at issue which was granted by Order No. PSC-15-0487-CFO-EI. By its Request, Gulf asks that we enter an order extending, for an additional 18 month period, the confidential classification of the identified information. Gulf asserts that the information remains sensitive despite the passage of time and is entitled to continued confidential classification for the same reasons it was initially classified as such. Generally, the information consists of (1) bids or other contractual data the disclosure of which would impair the efforts of Gulf to contract for goods or services on favorable terms, (2) competitive interests, the disclosure of which would impair the competitive business of Gulf, and (3) employee personnel information unrelated to compensation, duties, qualifications or responsibilities. Gulf asserts that the information includes specific pricing information, purchase order, customer, and project numbers and personal employee information. Gulf argues that disclosure of the information would impair its ability to protect itself from

¹ A scrivener's error was corrected by Order No. PSC-11-0498A-CFO-EI.

² Resubmitted on August 27, 2015.

fraudulent actions, give other market participants a competitive advantage, adversely affect the Company's ability to negotiate contracts to the benefit of its customers, and subject Gulf to potential litigation over wrongful disclosure of private information. As such, Gulf asserts that the information continues to be entitled to confidential classification pursuant to Section 366.093(3)(d),(e), and (f), F.S.

Ruling

Upon review, it appears that the information which was the subject of Orders Nos. PSC-11-0498-CFO-EI, PSC-11-0498A-CFO-EI, PSC-14-0111-CFO-EI, and PSC-15-0487-CFO-EI, continues to be proprietary confidential business information within the meaning of Section 366.093, F.S. The information contained in Document Nos. 03567-11 and 04035-11, as more specifically identified in Exhibit C of Gulf's original June 10, 2011 request, qualifies as proprietary confidential business information pursuant to Section 366.093(3)(d), (e) and (f), F.S. Accordingly, FPL's request for extension of confidential treatment of the identified information 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 Third Request for Extended Confidential Classification of certain information contained in Document Nos. 03567-11 and 04035-11 is hereby granted. It is further

ORDERED that the information 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.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 19th day of May, 2017.



RONALD A. BRISÉ
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.