

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidentiality for ESR,
supplemental for December 2020, by Gulf
Power Company.

DOCKET NO. 20210060-EI
ORDER NO. PSC-2021-0296-CFO-EI
ISSUED: August 4, 2021

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 02214-2021

On February 15, 2021, pursuant to section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf) filed its Request for Confidential Classification of Gulf's Earning Surveillance Report. Specifically, Gulf seeks confidential classification of Document No. 02214-2021.

Request for Confidential Classification

Gulf contends that Document No. 02214-2021 contains certain information that constitutes "proprietary confidential business information" entitled to protection under section 366.093, F.S. Gulf states that this information is intended to be and is treated by Gulf as private and has not been publicly disclosed.

Gulf further contends that Document No. 02214-2021 contains 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. Gulf asserts that this information is protected by paragraph 366.093(3)(d), F.S. Additionally, Gulf asserts the document contains information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information, and that this information is protected by paragraph 366.093(3)(e), F.S. Specifically, Gulf asserts the document contains contractual data between Gulf and the customer concerning the terms of the Contract Service Agreement and relates to competitive interests.

Ruling

Subsection 366.093(1), F.S., provides that records the Commission has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Subsection 366.093(3), F.S., states that proprietary confidential business information is 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. Subsection 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 information.

Upon review, it appears the above-referenced information satisfies the criteria set forth in subsection 366.093(3), F.S., for classification as proprietary confidential business information. The information appears to be 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. The document also contains information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information. Thus, the information identified in Document No. 02214-2021 shall be granted confidential classification.

Pursuant to subsection 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 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 subsection 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 hereby

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of the information contained in Document No. 02214-2021 is granted. It is further

ORDERED that the information in Document No. 02214-2021, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 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. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 4th day of August, 2021.



ANDREW GILES FAY
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.

AEH

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.