

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: The Southern Company and) DOCKET NO. 960835-EI
Southern Development and) ORDER NO. PSC-97-0495-CFO-EI
Investment Group, Inc.,) ISSUED: April 29, 1997
Certificate of Notification File)
No. 70-8173 for the period)
ending June 30, 1996)
_____)

ORDER GRANTING CONFIDENTIAL CLASSIFICATION

On September 24, 1996, the Southern Company and Southern Development and Investment Group, Inc. (Southern or the Companies) filed a request for confidential treatment of certain portions of a Certificate,¹ Document No. 10186-96, submitted to the FPSC pursuant to Securities and Exchange Commission Rule 53(a)(4), CFR §250.53(a)(4).

Southern noted that public disclosure of the information at issue would cause irreparable harm to the Companies. In effect, the financial and business planning information would allow competitors to have access to information about the financial stability and resources of the Companies. This would enable competitors to determine the Companies' business plans, resource allocation and ability of the Companies to enter markets and develop new markets and projects. Accordingly, Southern asked for confidential classification of this information pursuant to Section 366.093(3)(e), Florida Statutes. That provision affords confidential treatment to information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine". It is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 366.093, Florida Statutes, or to demonstrate that the information is

¹ The Southern Company and Southern Development and Investment Group, Inc., Certificate of Notification File No. 8123 for the period ending June 30, 1996.

DOCUMENT NUMBER-DATE

04279 APR 25 97

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-0495-CFO-EI
DOCKET NO. 960835-EI
PAGE 2

proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Based on the information provided, Southern's Request establishes the potential of harm to its competitive interests that disclosure of the information would cause, and that the information at issue is therefore encompassed by Section 366.093(3)(e), Florida Statutes.


In consideration of the foregoing, it is

ORDERED by Commissioner J. Terry Deason as Prehearing Officer that the information in Document No. 10186-96 for which confidential classification is sought shall be treated as proprietary confidential business information. It is further

ORDERED that the information discussed above shall be afforded confidential treatment until July 1, 1998. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner J. Terry Deason, this 29th day of April, 1997.


J. TERRY DEASON, Commissioner
and Prehearing Officer

(S E A L)

RCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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

ORDER NO. PSC-97-0495-CFO-EI
DOCKET NO. 960835-EI
PAGE 3

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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.

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