

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Gulf Power  
Company to determine need for  
proposed electrical power plant  
in Bay County.

DOCKET NO. 990325-EI  
ORDER NO. PSC-99-1124-CFO-EI  
ISSUED: June 3, 1999

ORDER GRANTING CONFIDENTIAL CLASSIFICATION  
TO GULF POWER COMPANY'S RESPONSES TO STAFF INTERROGATORIES  
NUMBERED ONE AND SEVENTEEN (DOCUMENT NO. 05936-99)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Gulf Power Company (Gulf) requests that its responses to staff's interrogatories numbered one and seventeen contained in Document No. 05936-99 be granted confidential classification.

Specifically, Gulf requests that the information contained in its response to staff interrogatory one, including the entire table and footnotes located on pages two through eleven, and the entire chart and footnotes located on page twelve, be granted confidential classification. Gulf asserts that this information details specific proposal information submitted to Gulf by third parties who have submitted proposals in response to Gulf's Request for Proposals (RFP) directly related to this docket. This information is treated as confidential by the third parties and by Gulf and has not been disclosed. Gulf maintains that disclosure of the information contained on these pages would cause irreparable harm to the third parties resulting in their inability or unwillingness to participate in the RFP process in Florida. Gulf contends that these third parties may decline to submit proposals on future electric plant additions in Florida if the specifics of their proposals are made public. This would result in fewer proposals and a potentially less robust market. Gulf asserts that a less robust market could result in higher costs to its electricity customers and those of the entire state. Thus, Gulf requests that this information be granted confidential classification under Section 366.093(3)(d), Florida Statutes, as "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."

DOCUMENT NUMBER-DATE

06853 JUN-38

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-1124-CFO-EI  
DOCKET NO. 990325-EI  
PAGE 2

Gulf also requests that the information contained in its response to staff's interrogatory seventeen be granted confidential classification. Gulf contends that the information located on pages two through eight, including the entire chart and footnotes details specific fuel cost information. Gulf asserts that this information is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes, because it is "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Gulf maintains that fuel cost information can be utilized by Gulf's competitors to negatively affect Gulf's ability to compete in electricity markets. Gulf asserts that this specific fuel cost information is not publicly available, and that if Gulf's fuel cost information were made available under these conditions, the result would be an "uneven playing field" for Gulf.

Upon review, it appears that the information for which Gulf seeks confidential classification is comprised of either contractual information or proprietary, confidential business information both of which, if disclosed, would tend to harm the competitive interests of Gulf, the entity with which it is negotiating a contract, or both. Therefore, this information is entitled to confidential classification under Section 366.093(3), Florida Statutes. In accord with Section 366.093(4), Florida Statutes, this information shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order.

It is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the information contained in Document No. 05936-99 and discussed herein is granted confidential classification. It is further

ORDERED that the information contained in Document No. 05936-99 shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notice by the Commission to the parties of the declassification date of the material contained in Document No. 05936-99.

ORDER NO. PSC-99-1124-CFO-EI  
DOCKET NO. 990325-EI  
PAGE 3

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 3rd Day of June, 1999.

  
\_\_\_\_\_  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

GAJ

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.

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

ORDER NO. PSC-99-1124-CFO-EI  
DOCKET NO. 990325-EI  
PAGE 4

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.

RECEIVED-FPSC

M E M O R A N D U M

99 JUN -3 PM 1:45

JUNE 3, 1999

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JAYE) *(initials)*

RE: DOCKET NO. 990325-EI - PETITION OF GULF POWER COMPANY TO  
DETERMINE NEED FOR PROPOSED ELECTRICAL POWER PLANT IN BAY  
COUNTY, FLORIDA

99-1124-CFO

Attached is an ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO GULF POWER COMPANY'S RESPONSES TO STAFF INTERROGATORIES NUMBERED ONE AND SEVENTEEN (DOCUMENT NOS. 05936-99 AND 04902-99) to be issues in the above referenced docket. (Number of pages - 4)

**MUST GO TODAY**

GAJ/js

Attachment

cc: Division of Electric and Gas

Division of Auditing and Financial Analysis

I:\990325c.gaj

*see!*

*boxed - 3/0  
wanted - /*

Requisition for Photocopying and Mailing

Date 6/4/77

Number of Originals 4

Copies Per Original 16

Requested by [Signature]

Item Presented \_\_\_\_\_

Agenda For (Date) \_\_\_\_\_

Order No. 91124

In Docket No. 91030

Notice of \_\_\_\_\_

For (Date) \_\_\_\_\_

In Docket No. \_\_\_\_\_

Other \_\_\_\_\_

Special Handling Instructions \_\_\_\_\_

Distribution/Mailing

Number	Distributed/Mailed to
<u>16</u>	<u>Commission Offices</u>
	<u>Docket Mailing List Mailed</u>
	<u>Docket Mailing List Filed</u>

Number	Distribution/Mailed to
_____	_____
_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here.

Print Shop Verification

Job Number 100

Verified By [Signature]

Date and Time Completed 6/4/77

Job Checked for Correctness and Quality (Initial) \_\_\_\_\_

Mail Room Verification

Date Mailed \_\_\_\_\_

Verified By \_\_\_\_\_