

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-99-1479-CFO-EI
ISSUED: August 2, 1999

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO LATE-FILED
DEPOSITION EXHIBITS ONE, TWO, AND FOUR TO THE DEPOSITION OF
WILLIAM F. POPE (DOCUMENT NUMBER 07146-99, CROSS REFERENCE
DOCUMENT NUMBER 05938-99, 06508-99, AND PARTS ONE AND TWO OF
DOCUMENT NUMBER 06499-99)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Gulf Power Company (Gulf) requests that late-filed deposition exhibits one, two and four to the deposition of William F. Pope be granted confidential classification. This information was entered into the hearing record in this Docket as part of composite hearing exhibit eight. Gulf asserts that the information contained in these exhibits is confidential, proprietary information and is treated as such by Gulf, Southern Company and the third parties who submitted bid information contained in these exhibits. Gulf affirms that this information has not been publicly disclosed and is not otherwise available.

Gulf requests that late-filed deposition exhibit one to the deposition of William F. Pope, "IRP Fuel Assumptions," pages 22-82, be granted confidential classification in its entirety. Gulf asserts that this information contains specific fuel price details. Gulf contends that this information is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes, as "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Gulf maintains that price and cost information can be utilized by Gulf's competitors to negatively affect Gulf's ability to compete in electricity markets. Gulf further asserts that its competitors' specific price and cost information is not publicly available, and that the disclosure of Gulf's specific price and cost information would result in "an uneven playing field for Gulf." Gulf asserts that the information contained in this document contains not only the price information but the details of the process used by Gulf and Southern Company to develop price

DOCUMENT NUMBER-DATE

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information. For these reasons, Gulf contends that late-filed deposition exhibit one to the deposition of William F. Pope is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

Gulf maintains that late-filed deposition exhibit two to the deposition of William F. Pope, entitled "Transmission Study Summaries," pages 83-89, is entitled to confidential classification in its entirety because it contains information regarding transmission planning, costs associated with transmission improvements, and detailed assumptions regarding transmission cost associated with the self-build and Request For Proposals (RFP) process. Gulf contends that this information is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes, as "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Gulf asserts that cost information and internal planning documents must not be publicly disclosed. Gulf maintains that to do so would result in Gulf's competitors being allowed an unfair advantage. Gulf contends that this is because similar information is not publicly available for Gulf's competitors, thus disclosure would place Gulf at a competitive disadvantage both in the market for the provision of electricity and in the market for procurement of goods and supplies utilized in the generation, transmission and distribution of electricity. Gulf asserts that disclosure of this information may result in its not being able to obtain transmission-related goods and services at the best price possible for Gulf's ratepayers because suppliers would tend to target the cost assumptions in Gulf's planning process and would not offer their best price. For these reasons, Gulf contends that late-filed deposition exhibit two to the deposition of William F. Pope is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

Gulf requests confidential classification for the information found in late-filed deposition exhibit four, "Revenue Requirements Spread Sheet," to the deposition of William F. Pope, pages 91-10, in their entirety. Gulf contends that the information contained in this exhibit refers to specific cost details for Gulf's self-build options and for the RFP proposals. Gulf maintains that this information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), 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.

and as

Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Gulf asserts that cost information contained in this exhibit can be utilized by the competitors of Gulf and the RFP respondents to negatively affect their ability to compete in their "native markets. Gulf contends that their competitors' specific cost information is not publicly available therefore if Gulf's and the RFP respondents' cost information is made public, an "uneven playing field for Gulf and the RFP respondents would result." Gulf maintains that the confidentiality of bid/proposal information is specifically provided for in Section 366.093(3)(d), Florida Statutes. Gulf therefore asserts that the information contained in late-filed deposition exhibit four of the deposition of William F. Pope is entitled to confidential classification.

Upon review, it appears that the information for which Gulf seeks confidential classification is proprietary, confidential business information and information relating to bids and competitive interests which, if disclosed, would tend to harm the competitive interests of Gulf and the entity which provided it with a RFP response. It appears as if the public disclosure of this information may prevent Gulf and the RFP respondents from successfully competing against their competitors. This information is regarded as sensitive and confidential by Gulf and the RFP respondents because public disclosure of this information would impact Gulf and the respondent's ability to compete in their "native market." In the event such information is made public, it appears as if future potential RFP respondents could avoid the risk of public disclosure of their confidential information by refusing to submit RFP responses to Gulf in the future. This may lead to higher costs for Gulf and higher prices for Gulf's ratepayers. For these reasons, the information described herein 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.

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It is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the information contained in Document No. 07146-99, Document No. 05938-99, Document No. 06508-99, and Document No. 06499-99, parts one and two, are granted confidential classification. It is further

ORDERED that the information contained in Document No. 07146-99, Document No. 05938-99, Document No. 06508-99, and Document No. 06499-99, parts one and two, 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. 07146-99, Document No. 05938-99, Document No. 06508-99, and Document No. 06499-99, parts one and two.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 2nd Day of August, 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

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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.

M E M O R A N D U M

AUGUST 3, 1999

RECEIVED-FPSC

99 AUG -2 AM 11:40

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JAYE) *ORVE*
RE: DOCKET NO. 990325-EI - PETITION OF GULF POWER COMPANY TO
DETERMINE NEED FOR PROPOSED ELECTRICAL POWER PLANT IN BAY
COUNTY

99-1479-CFO

Attached is an ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO LATE-FILED DEPOSITION EXHIBITS ONE, TWO, AND FOUR TO THE DEPOSITION OF WILLIAM F. POPE (DOCUMENT NUMBER 07146-99, CROSS REFERENCE DOCUMENT NUMBER 05938-99, 06508-99, AND PARTS ONE AND TWO OF DOCUMENT NUMBER 06499-99) to be issued in the above referenced docket. (Number of pages - 5)

GAJ/js
Attachment
cc: Division of Electric and Gas
I:\990325co.gaj

See

MUST GO TODAY

3/0

Requisition for Photocopying and Mailing

Date 8/3/99
 Number of Originals 5 Copies Per Original 19
 Requested By [Signature]

Item Presented _____
 Agenda For (Date) _____ Order No. 99-1479 In Docket No. 990325
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions _____

Distribution/Mailing		Distribution/Mailing	
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	_____	_____
<u>3</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
	<u>Docket Mailing List - Faxed</u>	_____	_____

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

Print Shop Verification
 Job Number 25 Verified By [Signature]
 Date and Time Completed 8/3 Job Checked For Correctness and Quality (Initial) [Initials]

Mail Room Verification
 Date Mailed 8/3 Verified By [Signature]