

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of proposed pilot/experimental Real Time Pricing Program and the associated rate schedule by Gulf Power Company.

DOCKET NO. 941102-EI  
ORDER NO. PSC-99-1564-CFO-EI  
ISSUED: August 5, 1999

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO GULF POWER COMPANY'S QUARTERLY REAL TIME PRICING PROGRAM REPORT FOR THE FOURTH QUARTER 1998 (DOCUMENT NO. 01904-99)

By its request filed February 15, 1999, and pursuant to Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf) requests that the Quarterly Real Time Pricing Report (Report) submitted to the Florida Public Service Commission (FPSC) pursuant to Order No. PSC-95-0256-FOF-EI, issued February 23, 1995, be granted confidential classification. Gulf asserts that the information contained in the Report is information, which if publicly disclosed, would cause irreparable harm to the competitive interests of Gulf and the entity with whom it has negotiated a contract under the Real Time Pricing rate schedule pursuant to Section 366.093(3)(d), Florida Statutes. Gulf asserts that its Report contains proprietary and commercially sensitive information that is not otherwise publicly available. Gulf maintains that the material for which confidential classification is requested is intended to be, and is treated as, confidential by Gulf and the entity with whom it has entered a Customer Service Agreement (CSA) contract and has not been otherwise publicly disclosed. The information for which Gulf seeks confidential treatment is contained in Document No. 01904-99.

Gulf contends that the information contained on: page 2, lines 1-8, columns A-Q, and lines 9-24, columns R-CC; and, page 3, lines 1-16, columns A-M, lines 17-20, columns N-DD and lines 21-24, columns EE-QQ; page 4, lines 1-24, columns A-L; and, page 5, lines 1-21, columns A-N, of the Report is entitled to confidential classification because disclosure would cause irreparable harm to Gulf and the entity with whom it has entered into a CSA. These lines and columns contain proprietary confidential business information that details customer specific information. Gulf asserts that only a limited number of customers take service under rate schedule RTP. Gulf affirms that one of these customers has ceased taking service under this schedule. Gulf contends that removal of this customer from the RTP report reveals that customer's billing determinants, load shape and other customer specific information. Gulf maintains that this information is

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-1564-CFO-EI  
DOCKET NO. 941102-EI  
PAGE 2

regarded as sensitive and confidential by the customer because disclosure of this information would impact the customer's ability to compete in its "native market." Thus, Gulf requests that this information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

Pursuant to Section 366.093(3)(d) and (e), Florida Statutes, confidential information involving both "contractual data" and "competitive interests" is exempt from public disclosure. I find that the type of information detailed within this Order is confidential information pertaining both to "contractual data" and to "competitive interests." As such, this information is entitled to confidential classification pursuant to Section 366.093(3), Florida Statutes. Pursuant to Section 366.093(4), Florida Statutes, this information shall be granted confidential classification for 18 months from the date of the issuance of this order.

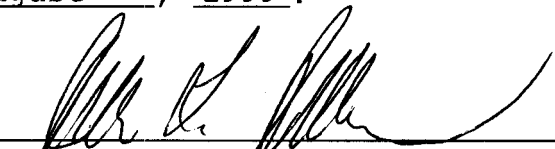
Based on the foregoing, it is therefore

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the information contained in Document No. 01904-99, Quarterly Real Time Pricing Program Report for the Fourth Quarter, 1998, is entitled to confidential classification. It is further

ORDERED that this information shall be classified as proprietary confidential business information for 18 months from the date of this Order. 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 Julia L. Johnson, as Prehearing Officer, this 5th Day of August, 1999.

  
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JULIA L. JOHNSON  
Commissioner and Prehearing Officer

( S E A L )  
GAJ

ORDER NO. PSC-99-1564-CFO-EI  
DOCKET NO. 941102-EI  
PAGE 3

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, 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.