

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for rate  
increase by Gulf Power Company.

DOCKET NO. 010949-EI  
ORDER NO. PSC-02-0231-CFO-EI  
ISSUED: February 22, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF  
CERTAIN PORTIONS OF THE DEPOSITION TRANSCRIPT  
OF FRANCIS M. FISHER, JR.

On February 12, 2002, Gulf Power Company (Gulf), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, filed a request for confidential classification of certain specified portions of the deposition transcript of Francis M. Fisher, Jr., taken on January 31, 2002. The transcript which Gulf seeks to keep portions of confidential was filed with the Commission as Document No. 01385-02.

As grounds for its request, Gulf asserts that specified portions of the transcript for the January 31, 2002, deposition of Witness Fisher is entitled to designation as confidential information pursuant to Section 366.093(3)(c), Florida Statutes. Gulf states that the specified testimony contains information on Gulf's security costs, measures, and procedures. Further, Gulf states that public disclosure of this information may compromise the security efforts undertaken by Gulf as a result of the September 11, 2001, terrorist attacks. Gulf states that this information is treated as confidential information by Gulf, and has not otherwise been publicly disclosed.

The specified information contained in the specified portions of the deposition transcript is entitled to confidential classification pursuant to Section 366.093(3)(c), Florida Statutes, because it contains details relating to Gulf's security procedures and measures. Further, because the specified material appears to be confidential in nature, harm to the company or its ratepayers could result from public disclosure of this information. Accordingly, Gulf's request for confidential classification for page 7, line 5-6, 8-12, and 16-17, of the deposition transcript of Francis M. Fisher, Jr., taken on January 31, 2002, is granted.

DOCUMENT NO.

02143-02  
2/22/02

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Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, unless the Commission finds good cause to specify a longer period. Gulf did not request an extension to this period of classification. As such, the information identified above from Document No. 01385-02 shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

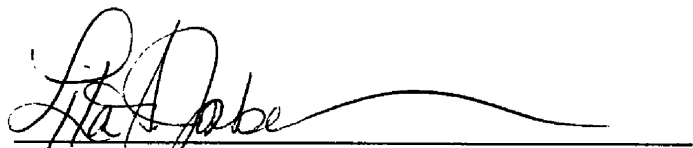
Based on the foregoing, it is

ORDERED by Chairman Lila A. Jaber, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification is granted as set forth in the body of this Order. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 01385-02 is granted confidential classification for a period of eighteen 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 Chairman Lila A. Jaber, as Prehearing Officer, this 22nd day of February, 2002.

  
LILA A. JABER  
Chairman and Prehearing Officer

( S E A L )

LAE

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 the Commission Clerk and Administrative Services, 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.