

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 070001-EI
ORDER NO. PSC-07-0858-CFO-EI
ISSUED: October 26, 2007

ORDER GRANTING GULF POWER COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
GRANTED BY ORDER NO. PSC-05-1072-CFO-EI IN DOCKET NO. 050001-EI
(DOCUMENT NOS. 03698-07, 09614-05, 09788-05 AND 10264-05)

This Order addresses the continuation of confidential treatment for certain documents produced in response to requests numbered 5, 7, 8, and 12 of Commission Staff's First Request for Production of Documents (1-12) issued to Gulf Power Company ("Gulf Power" or "Gulf") on October 6, 2005. In Order No. PSC-05-1072-CFO-EI, issued November 2, 2005, the Commission initially granted confidential classification for the aforementioned documents. On May 2, 2007, Gulf requested that confidential treatment be extended for the information contained in Document Nos. 03698-07, 09614-05, 09788-05 and 10264-05. The documents were previously granted confidentiality for 18 months, and Gulf now requests that confidentiality be extended for an additional 18 months. In its request, Gulf states that the period of confidential classification granted by Order No. PSC-05-1072-CFO-EI will soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes.

Section 366.093(1), Florida Statutes, provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3)(b), (c), (d), and (e), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "[i]nternal auditing controls and reports of internal auditors;" "[s]ecurity measures, systems or procedures;" "[i]nformation 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 "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Gulf requests that the following information described in the table below be granted confidential classification:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified
5	Business plans for generating plants	2-129	All, including all text, tables, charts and graphs	Confidential Sensitive competitive business information
7	Maintenance plans and practices	2-18	All, including all text, tables, charts and graphs	Sensitive competitive business information
8	Contracts for natural gas supply	2-78	All, including all text, tables, charts and graphs	Sensitive competitive business information
12	Bids for natural gas supply and responses	1	1-8	Sensitive competitive business information
12	Bids for natural gas supply and responses	2-4	All, including all text, tables, charts and graphs	Sensitive competitive business information

Gulf asserts that the documents produced in response to requests numbered 5, 7, 8, and 12 of Commission Staff's First Request for Production are proprietary confidential business information that contain or constitute competitively sensitive data, the disclosure of which would place Gulf at a disadvantage in the marketplace and would cause harm to customers. Gulf further contends that much of the confidential information involves contractual bids, responses and terms for natural gas supply, the disclosure of which would impair the efforts of Gulf to contract for future natural gas supply.

Gulf asserts that no significant changes have occurred since the issuance of Order No. PSC-05-1072-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. As a result, Gulf requests that the confidential information identified in Order No. PSC-05-1072-CFO-EI be accorded confidential classification for an additional 18 month period.

Upon review, it appears that certain documents produced in response to requests numbered 5, 7, 8, and 12 of Commission Staff's First Request for Production of Documents (1-12) which were the subject of Order No. PSC-05-1072-CFO-EI, issued November 2, 2005, continue to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. The information constitutes "[i]nternal auditing controls and reports of internal auditors;" "[s]ecurity measures, systems or procedures;" "[i]nformation 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;" or "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Therefore, Gulf's request for extension of confidential treatment of documents produced in response to requests numbered 5, 7, 8, and 12 of Commission Staff's First Request for Production of Documents (1-12) is granted.


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, absent good cause shown. Accordingly, the redacted information identified in Document Nos. 03698-07, 09614-05, 09788-05 and 10264-05, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 03698-07, 09614-05, 09788-05 and 10264-05 shall be granted confidential classification for a period of 18 months from the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 26th day of October, 2007.


MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(S E A L)

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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; or (2) 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 Office of Commission Clerk, 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.