

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 120007-EI
ORDER NO. PSC-12-0550-CFO-EI
ISSUED: October 16, 2012

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 03462-12)

BY THE COMMISSION:

On May 30, 2012, pursuant to Rule 25-22.006, Florida Administrative Code, Progress Energy Florida, Inc. (PEF or Company) filed a request for confidential classification (Request) of certain materials produced by the Company in response to our Staff's First Set of Interrogatories (Nos.1-5). The Company requests that the Commission grant confidential classification for the information for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), Florida Statutes.

Request for Confidential Classification

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 Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), Florida Statutes, proprietary confidential business information includes 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 the information has not been voluntarily disclosed to the public. Confidential business information includes "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 "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." *Id.* at d-e.

PEF asserts that the identified information, "is intended to be, and is treated as, confidential by PEF" and "has not been disclosed to the public." The information relates to PEF's disposal and sale of gypsum generated by air pollution equipment. The information includes the amount of gypsum sold and disposed of, costs paid by PEF for disposal, the amounts paid to PEF for gypsum sold to third parties, and the names of third parties to whom PEF has sold gypsum. PEF asserts that disclosure of the information would give potential disposal contractors and potential gypsum purchasers a significant advantage in future negotiations and

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permit other gypsum suppliers to target PEF's customers. Thus, disclosure of the information would impair the efforts of PEF to contract for goods or services on favorable terms and impair the competitive business of PEF and its natural gas transportation supplier. Based on the foregoing, the Company asserts that the information is entitled to confidential classification pursuant Section 366.093(d)-(e), F.S.

Ruling

Upon review, I find that the information in Document No. 03462-12, identified more specifically in Exhibit A of the Request, is treated by the Company as private. The information is contractual data, the disclosure of which would impair the efforts of the Company to contract for goods or services on favorable terms, and relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. I find that disclosure of the identified information would cause harm to PEF's ratepayers or to its business operations. Thus, the information shall be granted confidential classification pursuant to Section 366.093(3), F.S .

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Progress Energy Florida, Inc.'s Request for Confidential Classification of Document No. 03462-12 is granted. It is further

ORDERED that the information in Document No. 03462-12 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Progress Energy Florida, Inc. or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

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

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 16th day of October, 2012.



EDUARDO E. BALBIS
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 25-22.0376, 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

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appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.