

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 120007-EI
ORDER NO. PSC-12-0575-CFO-EI
ISSUED: October 24, 2012

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 01952-12)

On April 2, 2012, pursuant to Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf or Company) filed its request for confidential classification (Request) of "certain portions of its Environmental Compliance Program Update" (Compliance Program). The Company asks that the Commission enter an order protecting the information from public disclosure.

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.

Gulf asserts that the identified information "is intended to be, and is treated as confidential by [the Company] and . . . has not otherwise been publicly disclosed." The information includes 1) projected capital expenditures by plant and project associated with the Compliance Program, 2) the results of an economic viability study by Gulf of its generating assets, including unit-specific cost projections for coal retirement replacements, and 3) transmission cost assumptions specific to Gulf's generating plants. Gulf argues that disclosure of the information could 1) negatively impact Gulf's ability to negotiate pricing favorable to its customers when contracting with vendors of materials and services needed in order to implement the Compliance Program, 2) undermine Gulf's bargaining position in markets where Gulf must compete to obtain commodities and services or make purchases or sales of wholesale power, and 3) undermine Gulf's position in the markets. Gulf asserts that the information relates to competitive interests, the disclosure of which would impair both the competitive business of Gulf

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and the Company's ability to procure goods and services on a fair and reasonable basis. Based on the foregoing, the Company asserts that the information is entitled to confidential classification pursuant Section 366.093(3)(d)-(e), F.S.

Ruling

Upon review, I find that the information in Document No. 01952-12, identified more specifically in Exhibit C of the Request, is treated by the Company as private and is contractual data, the disclosure of which would impair the efforts of the Company to contract for goods or services on favorable terms. The information also relates to competitive interests, the disclosure of which would impair the competitive business of Gulf. I find that disclosure of the identified information would cause harm to Gulf's ratepayers or to its business operations. Thus, the information shall be granted confidential classification pursuant to Section 366.093(3)(d-e), F.S.

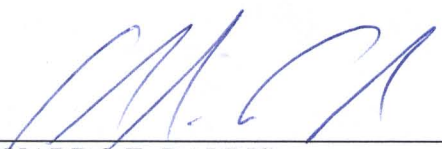
Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of Document No. 01952-12 is granted. It is further

ORDERED that the information, in Document No. 01952-12, 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 Gulf 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 24th 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 appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.