

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 130001-EI  
ORDER NO. PSC-13-0253-CFO-EI  
ISSUED: June 5, 2013

ORDER GRANTING GULF POWER COMPANY'S  
REQUESTS FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NOS. 05819-12, 06519-12, 07393-12, 07885-12 AND 08304-12)

On August 27, September 28, October 31, November 28 and December 21, 2012, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company's (Gulf Power) filed its requests for confidential classification of Forms 423-1(a), 423-2, 423-2(a) and 423-2(b) for the months of June, July, August, September and October, 2012 (Document Nos. 05819-12, 06519-12, 07393-12, 07885-12, and 08304-12, respectively). These requests were filed in Docket No. 120001-EI.

Section 366.093(1), F.S., 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]." Section 366.093(3), F.S., 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. Sections 366.093 (3)(d) and (e), F.S., provide that proprietary confidential business information includes, but is not limited to "[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 Power contends that designated portions of the information contained in the 423 Reports, as more specifically described in the Justification Matrix in Attachment C to each of its Requests, fall within these categories and, thus, constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Gulf Power states that Attachment C to each of its Requests provides support for confidential classification of the highlighted information in each section of the 423 Reports (Forms 423-2, 2(a), and 2(b)) on a line-by-line, column-by-column basis. Gulf Power states that this information is intended to be and is treated by Gulf Power as private and has not been publicly disclosed.

Gulf Power states that this information consists of pricing for coal and related transportation services purchased by the utility disclosure of which could negatively impact its ability to negotiate pricing favorable to its customers in the future. Additionally, potential

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counterparties may refuse to enter into contracts with Gulf Power in the future, or may charge higher prices, if confidential information is publicly disclosed.

Time Period For Confidential Classification

Gulf Power requests confidential classification for this information. According to Section 366.093(4), F.S., confidential classification may only extend for 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period."

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information constitutes "[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." Thus, the information identified in Document Nos. 05819-12, 06519-12, 07393-12, 07885-12, and 08304-12 shall be granted confidential classification.

Section 366.093(4), F.S., 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 information identified in Document Nos. 05819-12, 06519-12, 07393-12, 07885-12, and 08304-12, shall be granted confidential classification for a period 18 months from the 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 Power another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

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 Nos. 05819-12, 06519-12, 07393-12, 07885-12, and 08304-12, is granted. It is further

ORDERED that the information in Document Nos. 05819-12, 06519-12, 07393-12, 07885-12, and 08304-12, 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. 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 5th day of June, 2013.



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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.