

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Tampa
Electric Company.

DOCKET NO. 130040-EI
ORDER NO. PSC-13-0274-CFO-EI
ISSUED: June 14, 2013

ORDER GRANTING WCF HOSPITAL UTILITY ALLIANCE'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR
TEMPORARY PROTECTIVE ORDER (DOCUMENT NO. 02973-13)

On May 30, 2013, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), WCF Hospital Utility Alliance (HUA) filed a request for confidential classification of Exhibit A to its Supplement to Petition to Intervene filed on the same date. Exhibit A consists of a list of the names of the members of HUA (Document No. 02973-13). HUA filed its Petition to Intervene on May 10, 2013 (Document No. 02604-13).

Request for Confidential Classification

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S. 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. Section 366.093(3)(d) and (e), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (d) Information 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

HUA contends that the information contained in Exhibit A falls within these categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. HUA states that this information is intended to be and is treated by HUA as private and has not been publicly disclosed.

Specifically with regard to Exhibit A, HUA contends that to the extent that the positions taken by HUA in this rate case are perceived as contrary to the individual interests of other TECO ratepayers, those ratepayers could choose to use the services of other readily available health care providers who are not members of HUA. Thus, disclosure of HUA's membership list could adversely and directly affect the competitive interests of HUA members. HUA has

DOCUMENT NUMBER-DATE

03330 JUN 14 2013

FPSC-COMMISSION CLERK

requested confidential classification for a period not to exceed 18 months from the issuance of an Order granting confidential classification.

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. The information at issue, the list of HUA members, is information relating to the competitive interests of the HUA members, the disclosure of which would impair each member's competitive business. Thus, the information contained in Document No. 02973-13 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein 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 HUA or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Motion for Temporary Protective Order

HUA also seeks protection of the documents as provided in Section 366.093(2), F.S., and Rule 25-22.006(6), F.A.C. Section 366.093(2), F.S., directs that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by any party subject to the public records law as confidential and exempt from the public records law. Section 119.07(1), F.S. Rule 25-22.006(6), F.A.C., codifies the Commission's policy regarding the protection of confidential information from public disclosure during the discovery process in a manner that is not overly burdensome to both parties. Rule 25-22.006(6)(a), F.A.C., in pertinent part, states:

In any formal proceeding before the Commission, any utility or other person may request a protective order protecting proprietary confidential business information from discovery. Upon a showing by a utility or other person and a finding by the Commission that the material is entitled to protection, the Commission shall enter a protective order limiting discovery in the manner provided for in Rule 1.280, Florida Rules of Civil Procedure.

Upon consideration of HUA's assertions of the confidential nature of the information contained in Exhibit A of HUA's Supplement to Petition to Intervene (Document No. 02973-13), HUA's Motion for Temporary Protective Order of these materials is hereby granted. As a result, this information shall be protected from disclosure pursuant to Rule 25-22.006(6), F.A.C.

Based on the foregoing, it is

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that WCF Hospital Utility Alliance's Request for Confidential Classification of Document No. 02973-13 is granted as set forth herein. It is further

ORDERED that the information in Document No. 02973-13 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.

ORDERED that the Motion for Temporary Protective Order filed by WCF Hospital Utility Alliance is granted.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 14th day of June, 2013.



JULIE I. BROWN
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.

MCB

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.

ORDER NO. PSC-13-0274-CFO-EI

DOCKET NO. 130040-EI

PAGE 4

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.