

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf Power
Company.

DOCKET NO. 130140-EI
ORDER NO. PSC-13-0621-CFO-EI
ISSUED: November 25, 2013

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 02877-13

On May 24, 2013, pursuant to Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf, Gulf Power, or Company), filed a request for confidential classification (Request) of identified portions of the Company's response to Staff's First Data Request concerning Gulf's Environmental Compliance Program Update. Gulf asserts that the identified information is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Gulf asks that the Commission grant confidential classification for the information pursuant to Section 366.093(3), Florida Statutes (F.S.).

Requests for Confidential Classification

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]." Pursuant to Section 366.093(3), F.S., 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 has not been voluntarily disclosed to the public. Confidential business information includes, but is not limited to, the following:

- Trade secrets, and
- "Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" *Id* at (a) and (e).

The information, identified with specific justification in Exhibits B and C of Gulf's Request, consists of fuel cost projections, detailed capital investment requirements, pricing scenarios, and modeling analysis, and is characterized by the Company as a trade secret, and relating to Gulf's competitive interests. The Company asserts that the information "is intended to be, and is treated as, confidential by Gulf Power and . . . has not been otherwise publicly disclosed." Gulf argues that disclosure of the information would impair its competitive business and its ability to procure goods and services on a fair and reasonable basis. Thus, Gulf asserts that the information is entitled to confidential classification pursuant Section 366.093(a) and (e), F.S.

Ruling

Upon review, I find that the identified information in Document No. 02877-13, as more specifically described in Exhibits B and C of the Request, is treated by Gulf as private, has not otherwise been disclosed, and (a) represents a trade secret or (b) relates to competitive interests, the disclosure of which would impair both Gulf's competitive business and Gulf's ability to procure goods and services on a fair and reasonable basis. Thus, the information shall be granted confidential classification pursuant to Section 366.093(3), F.S .

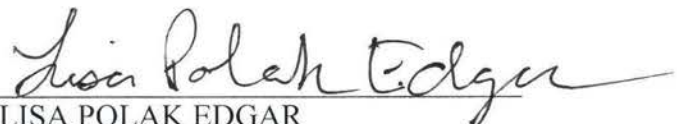
Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of specified information in Document No. 02877-13 is granted. It is further,

ORDERED that the information in Document No. 02877-13, 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. 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 Company 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 Lisa Polak Edgar, as Prehearing Officer, this 25th day of November, 2013.



LISA POLAK EDGAR
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.

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.