

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of document request responses and portions of staff's audit report entitled Review of the Payment Arrangement Programs Offered by the Florida Electric Industry by Gulf Power Company.

DOCKET NO. 120200-EI
ORDER NO. PSC-14-0337-CFO-EI
ISSUED: July 1, 2014

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR EXTENDED CONFIDENTIAL CLASSIFICATION OF
DOCUMENT NO. 06292-12

On May 9, 2014, Gulf Power Company (Gulf), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), requested extended confidential classification of Document No. 06292-12 related to a Commission staff review of Gulf's Interactive Voice Response Unit and other information contained in a Commission audit of Gulf's customer payment arrangement programs. On November 15, 2012, the Commission issued Order No. PSC-12-0610-CFO-EI granting Gulf's request for confidential classification of Document No. 06292-12 for 18 months.

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. Section (3)(e) of Section 366.093, F.S., provides that proprietary confidential business information includes, but is not limited to "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Gulf contends that the information sought to be protected details Gulf's internal policies and procedures concerning late payment arrangements. Gulf asserts that public disclosure of this information would enable customers to "game" the system, resulting in unnecessary delays in bill payment and increased delinquencies and write-offs. This would adversely affect the financial integrity of Gulf and ultimately work to the detriment of Gulf's customers.

Gulf also asserts that included in the information sought to be protected is a confidential review of Gulf's Interactive Voice Response Unit performed by a paid consultant. Gulf contends that public disclosure of this information will provide Gulf's competitors with access to valuable recommendations for which they have not paid. Gulf's competitors could, in turn, utilize this information to optimize their own practices at Gulf Power's expense.

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3)(e), F.S., for classification as proprietary confidential business information. The information constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information in Document No. 06292-12 shall be granted extended 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 Gulf or 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 Extended Confidential Classification of Document No. 06292-12 is granted. It is further

ORDERED that the information 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. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 1st day of July, 2014.



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.