

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 160186-EI

In re: Petition for approval of 2016 depreciation and dismantlement studies, approval of proposed depreciation rates and annual dismantlement accruals and Plant Smith Units 1 and 2 regulatory asset amortization, by Gulf Power Company.

DOCKET NO. 160170-EI
ORDER NO. PSC-17-0034-CFO-EI
ISSUED: January 24, 2017

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 08165-16)

On October 12, 2016, pursuant to Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf) filed a request for confidential classification (Request) of "certain materials produced by Gulf in connection with the Minimum Filing Requirement (MFR) Schedule D-2. Gulf asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Gulf requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), Florida Statutes.

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 has not been voluntarily disclosed to the public. Confidential business information includes, but is not limited to, the following:

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

Gulf contends that the information, described with specific justification in Exhibit A of the Request, "is intended to be, and is treated as, confidential by Gulf and . . . has not been otherwise publicly disclosed." The information is generally described as projected information about the capital structure of affiliated and consolidated companies. Gulf argues that disclosure of the information would "harm the competitive interests of the provider of the information." If

the providers, suppliers, investors, or competitors are made aware of this information they may adjust their behavior in the marketplace with respect to activities such as pricing and acquisition and provision of goods, materials, and services. Based on the foregoing, the Company asserts that the information is entitled to confidential classification pursuant to Section 366.093(e), F.S.

Ruling

Upon review, I find that the information identified in Document No. 08165-16 more specifically described in Exhibit A of the Request is treated by Gulf as private, has not otherwise been disclosed, and is competitive interests, the disclosure of which would impair the competitive business of the provider of the information. 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), F.S.

Based on the foregoing, it is

ORDERED by Commissioner Jimmy Patronis as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of Document No. 08165-16, as detailed in Exhibit A, is granted. It is further

ORDERED that the information in Document No. 08165-16 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.

ORDER NO. PSC-17-0034-CFO-EI
DOCKET NOS. 160186-EI, 160170-EI
PAGE 3

By ORDER of Commissioner Jimmy Patronis, as Prehearing Officer, this 24th day
of January, 2017.



JIMMY PATRONIS
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is
provided to the parties of record at the time of
issuance and, if applicable, interested persons.

SC

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.