

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidentiality for ESR,
Supplemental 2 for December 2016.

DOCKET NO. 170061-EI
ORDER NO. PSC-17-0100-CFO-EI
ISSUED: March 15, 2017

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 01939-17

On February 14, 2017, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (Gulf) filed its Request for Confidential Classification of Gulf's December 2016 Supplements of the Earnings Surveillance Report Florida that were submitted to the Commission pursuant to Orders PSC-96-1219-FOF-EI, PSC-01-0390-TRF-EI, and PSC-14-0197-PAA-EI (collectively, the CISR Surveillance Filings).

Request for Confidential Classification

Gulf asserts that Document No. 01939-17 contains details of Gulf's CISR Surveillance Filings, which contain proprietary and confidential business information regarding pricing under Contract Services Arrangements (CSAs). Gulf states the public disclosure of this information would impair the ability of Gulf to negotiate terms and conditions in future CSAs, would prevent Gulf from successfully negotiating CSAs with customers, and would negatively impact the customers' ability to compete in markets. Gulf states that the information constitutes "proprietary confidential business information" and is exempt from disclosure under Section 366.093(3)(d)(e), F.S. Gulf contends the information is intended to be and has been treated as confidential by Gulf and has not been publicly disclosed.

Ruling

Section 366.093(1), F.S., provides that records the Commission has found to contain proprietary 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)(e), F.S., provides that proprietary confidential business information includes, but is not limited to "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

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 in Document No. 01939-17 appears to relate to competitive interests, and the disclosure of this information would impair the competitive business of the provider of the

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information. Public disclosure of this information would harm the company or its ratepayers. Thus, Document No. 01939-17 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 up to 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 contain proprietary confidential business information.

Based on the foregoing, it is hereby

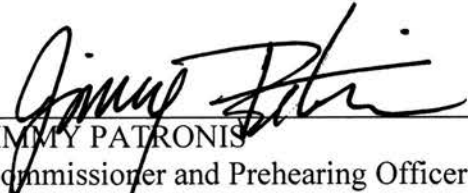
ORDERED by Commissioner Jimmy Patronis, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of Document No. 01939-17 is granted. It is further

ORDERED that Document Number 01939-17 shall remain protected from disclosure for a period of up to 18 months from the date 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 Jimmy Patronis, as Prehearing Officer, this 15th day of March, 2017.



JIMMY PATRONIS
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.

AEH

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.