

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidentiality for ESR,
Supplemental 2 for December 2017, by Gulf
Power Company.

DOCKET NO. 20180037-EI
ORDER NO. PSC-2018-0144-CFO-EI
ISSUED: March 15, 2018

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 01261-2018

On February 15, 2018, 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 information contained in Document No. 0161-2018, the December 2017 supplements for Gulf Power Company's Earnings Surveillance Report (CISR Surveillance Filings). Gulf submitted the CISR Surveillance Filings to the Florida Public Service Commission (Commission) pursuant to Order Nos. PSC-96-1219-FOF-EI, PSC-01-0390-TRF-EI, and PSC-14-0197-PAA-EI.

Request for Confidential Classification

Gulf asserts that the CISR Surveillance Filings contain proprietary confidential business information entitled to protection under Section 366.093(3)(d) and (e), F.S. Gulf contends that the information contained in the CISR Surveillance Filings would cause irreparable harm to Gulf and the entities with which it has entered Contract Services Arrangement (CSA) contracts under the authority of Gulf's Commercial/Industrial Services Rider. Gulf states that this information is intended to be, and is treated as, confidential by Gulf and the entity with which it has entered a CSA contract and that the information has not been otherwise publicly disclosed.

Gulf further asserts that the CISR Surveillance Filings contain proprietary confidential business information regarding pricing under the CSAs. Gulf states that the publication of this information would impair the ability of Gulf to negotiate terms and conditions in future CSAs that are the most favorable to Gulf and its general body of customers. Moreover, Gulf states that public disclosure of such information may prevent Gulf from successfully negotiating CSAs with customers because its public disclosure would impact the customers' ability to compete in the native markets. According to Gulf, future potential customers may avoid the risk of public disclosure of their confidential information by refusing to negotiate with Gulf, leading to an uneconomic bypass of Gulf's facilities.

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 that has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides, in pertinent part, 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.

Upon review, it appears the information in Document No. 01261-2018 satisfies the criteria set forth in Section 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. The information described above and in Gulf's request appears to contain 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. This information also appears to contain information relating to competitive interests the disclosure of which would impair the competitive business of the provider of the information.

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 continue to contain proprietary confidential business information.

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of Earnings Surveillance Report, Supplemental 2 for December 2017 is granted. It is further

ORDERED that the information in Document No. 01261-2018 for which confidential classification is granted shall remain protected from disclosure for a period of up to 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.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 15th day of March, 2018.



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.

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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.