

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Tampa Electric Company.

DOCKET NO. 070297-EI

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Progress Energy Florida, Inc.

DOCKET NO. 070298-EI

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Gulf Power Company.

DOCKET NO. 070299-EI

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Power & Light Company.

DOCKET NO. 070301-EI
ORDER NO. PSC-07-0683-PCO-EI
ISSUED: August 22, 2007

ORDER GRANTING GULF POWER COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER
IN DOCKET NO. 070299-EI

On August 2, 2007, Gulf Power Company ("Gulf") filed a Motion for Temporary Protective Order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code (F.A.C.), and Section 366.093, Florida Statutes (F.S.), to prevent public disclosure of confidential information provided in response to the City of Panama City Beach and Panama City Beach Community Redevelopment Agency's ("City") First Request to Produce Documents (Nos. 1-41) and First Set of Interrogatories (Nos. 1-58).

In support of its Motion, Gulf states that the information provided in response to Document Request Nos. 1-3 describes details of Gulf's electric system, various system circuit diagrams and key maps, the disclosure of which could cause potential harm to Gulf's power delivery infrastructure. Gulf further states that its response to Document Request No. 14 consists of Gulf's construction standard manuals for overhead and underground distribution facilities. Gulf asserts that the information includes trade secrets and/or competitively sensitive information.

Gulf also contends that its responses to Interrogatory Nos. 4, 5, 9, 12, 13, and 24 contain cost projections and past expenditures for Gulf's operation and maintenance, pole inspection and vegetation management plans, the disclosure of which could impact competitive bidding on work

DOCUMENT NUMBER-DATE

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performed for Gulf. Gulf further contends that its response to Interrogatory No. 49 a-b provides information concerning civil litigation between Gulf and third parties, including final settlement amounts which are intended to be and is treated by Gulf and third parties as confidential, and is not publicly disclosed. Gulf asserts that this information is entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C.

Upon consideration of the above, Gulf's Motion for Temporary Protective Order of the confidential documents described above in response to portions of the City's First Request to Produce Documents (Nos. 1-41) and First Set of Interrogatories (Nos. 1-58) is hereby granted. I find that Gulf has demonstrated that the materials are proprietary confidential business information. Accordingly, the information described herein has been granted confidential classification and shall be protected from disclosure pursuant to Rule 25-22.006(6), F.A.C.

Based on the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that the Motion for Temporary Protective Order filed by Gulf Power Company is granted.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 22nd day of August, 2007.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(S E A L)

LAH

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 25-22.060, 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.