

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 140007-EI  
ORDER NO. PSC-14-0111-CFO-EI  
ISSUED: February 25, 2014

ORDER GRANTING GULF POWER COMPANY'S FIRST REQUEST FOR EXTENSION OF  
CONFIDENTIAL CLASSIFICATION OF INFORMATION IN AUDIT NO. 11-005-1-2  
(DOCUMENT NO. 04035-11 (X-REF. 03567-11))

On April 16, 2013, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (Gulf or Company) filed a request for extension of confidential classification (Request) of certain information produced by Gulf in connection with a review by the Florida Public Service Commission (Commission) of the Company's environmental expenditures in Docket No. 110007-EI (Audit Control No. 11-005-1-2). This Request was filed in Docket No. 130007-EI.

The information at issue was previously granted confidential classification by Order No. PSC-11-0498-CFO-EI, issued in Docket No. 110007-EI, on October 25, 2011 (Order). In its Request, Gulf states that the period of confidential classification granted by the Order would soon expire and that the information covered by the Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes (F.S.).

Pursuant to Section 366.093(1), F.S., records the Commission has found to contain proprietary confidential 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. Additionally, 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.
- (f) Employee personnel information unrelated to compensation, duties, or responsibilities.

Gulf asserts that the information at issue concerns bids or other contractual data, the disclosure of which would impair the efforts of Gulf, or its affiliates, to contract for goods or services on favorable terms; competitive interests, the disclosure of which would impair the competitive business of Gulf; and employee personnel information unrelated to compensation, duties, qualifications or responsibilities. More specifically, Gulf asserts that the information at issue provides details concerning Gulf's environmental cost activities including specific pricing information; purchase order, customer, and/or project numbers; and personal employee information unrelated to their compensation, duties, qualifications, or responsibilities. Gulf avers that disclosure of this information would impair its ability to protect itself from fraudulent actions, give other market participants a competitive advantage over Gulf, adversely affect the Company's ability to negotiate contracts to the benefit of its customers, and subject Gulf to potential litigation over the wrongful disclosure of private information. Gulf asserts that the information is intended to be, and is treated as, confidential and has not otherwise been publicly disclosed. Thus, Gulf argues that the information is entitled to confidential classification pursuant to Sections 366.093(3)(d), (e), and (f), F.S.

#### Time Period For Confidential Classification

Pursuant to Section 366.093(4), F.S., confidential classification may only extend for up to 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period." Gulf has not requested an extension period longer than the 18 months.

#### Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for continued classification as proprietary confidential business information. The information at issue appears to be "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;" "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information;" or "employee personnel information unrelated to compensation, duties, or responsibilities." Thus, the information identified in Document No. 04035-11 (x-ref. 03567-11) shall be granted a continuation of 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 Julie I. Brown, as Prehearing Officer, that Gulf Power Company's First Request for Extension of Confidential Classification of Document No. 04035-11 (x-ref. 03567-11) is granted. It is further

ORDERED that the information contained in Document No. 04035-11 (x-ref. 03567-11) 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 will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 25th day of February, 2014.



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.

CWM

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.