

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Gulf Power Company).

DOCKET NO. 130202-EI
ORDER NO. PSC-14-0369-CFO-EI
ISSUED: July 16, 2014

ORDER GRANTING GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 03188-14

On June 23, 2014, pursuant to Section 366.092, Florida Statutes, (F.S.) and 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 response to Staff's Third Set of Interrogatories and Third Request for Production of Documents. 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 Florida Public Service Commission (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), F.S.

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:

- "Trade secrets."
- "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", and
- "Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities." *Id* at (a) and (d)-(f).

Gulf contends that the information, described with specific justification in Exhibit A of its Request 1) is intended to be confidential, 2) is treated as confidential, and 3) has not otherwise

publicly been disclosed. The material is described as Gulf's fuel price forecasts and runs from Gulf's Fire Model. The information is used by Gulf to perform cost-effectiveness analysis for demand-side management measures and plans. The pricing scenarios were developed by Gulf, Southern Company, and consultant, Charles Rivers Associates using extensive proprietary modeling analysis and non-public data. Gulf argues that disclosure of the information would 1) provide an economic advantage to its competitors, 2) enable vendors of commodities and services to tailor their pricing proposals to the Gulf projections, and 3) undermine Gulf's ability to negotiate optimal price and contract terms, resulting in higher costs for Gulf and its customers. Gulf asserts that the information 1) relates to competitive interests, the disclosure of which would impair Gulf's competitive business and 2) is a trade secret. Thus, Gulf asserts that the information is entitled to confidential classification pursuant to Section 366.093, F.S.

Ruling

Upon review, I find that the information identified in Document No. 03188-14, and more specifically described in Exhibit A of Gulf's Request, 1) is treated by Gulf as private, 2) has not otherwise been disclosed, and 3) relates to Gulf's competitive interests, the disclosure of which would impair Gulf's competitive business. 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 Ronald A. Brisé, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of Document No 03188-14, as detailed in Exhibit A of Gulf's Request, is granted. It is further

ORDERED that the information in Document No. 03188-14 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.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 16th day of July, 2014.



RONALD A. BRISE
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.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.