

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf Power  
Company.

DOCKET NO. 130140-EI  
ORDER NO. PSC-17-0058-CFO-EI  
ISSUED: February 22, 2017

ORDER GRANTING GULF POWER COMPANY'S  
SECOND REQUEST FOR EXTENDED CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 06634-13, X-REF. DOCUMENT NO. 06075-13)

On January 20, 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 Second Request for Extension of Confidential Classification (Request) of certain information produced in connection with the Florida Public Service Commission Staff's (Commission Staff) Audit (Document No. 06634-13, x-ref. Document No. 06075-13)

Request for Confidential Classification

Gulf's original request for confidential treatment of information was granted by Order No. PSC-13-0627-CFO-EI, issued on November 26, 2013, which addressed portions of Commission Staff's Audit ACN 13-207-1-1, Document No. 06634-13, pages 29, 31, 32, 91, 93 and 94. On July 20, 2015, the Commission issued Order No. PSC-15-0292-CFO-EI, granting Gulf's Request for Extended Confidential Classification for the same portions of Commission Staff's Audit ACN 13-207-1-1, Document No. 06634-13, x-ref. 06075-13.

Gulf contends that designated portions of Commission Staff's Audit ACN 13-207-1-1, Document No. 06634-13, x-ref. 06075-13, pages 29, 31, 32, 91, 93 and 94, warrant continued treatment as proprietary and confidential information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Gulf asserts that this information is intended to be and is treated by Gulf as private and has not been publicly disclosed. Gulf further asserts that the information contains actual and projected pricing information for capacity payments under both current and expired power purchase agreements between Gulf and various entities which would adversely impact Gulf's ability to negotiate the most advantageous contract terms and lowest possible prices in future. Further, Gulf disclosure of this information would negatively impact Gulf's ability to negotiate payment terms favorable to its customers in future.

Ruling

Section 366.093(1), F.S., provides that records that 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. 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 above-referenced information satisfies the criteria set forth in Section 366.093(3)(d) and (e), F.S., for continued classification as proprietary confidential business information. The information appears to be “[i]nformation 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” and “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information in Document No. 006634-13, x-ref. Document No. 06075-13, 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 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 Chairman Julie I. Brown, as Prehearing Officer, that Gulf Power Company’s Request for Extended Confidential Classification of Document No. 06634-13, x-ref. Document No. 06075-13, is granted. It is further

ORDERED that the information in Document No. 06634-13, x-ref. Document No. 06075-13, pages 29, 31, 32, 91, 93 and 94, for which confidential classification has been 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. It is further

ORDERED that this docket shall be closed.

By ORDER of Chairman Julie I. Brown, as Prehearing Officer, this 22nd day of February, 2017.



JULIE I. BROWN

Chairman and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SBr

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.