

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Gulf Power Company for approval of negotiated renewable energy power purchase agreement with Bay County, Florida.

DOCKET NO. 20170169-EI
ORDER NO. PSC-2017-0446-CFO-EI
ISSUED: November 17, 2017

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 07814-2017)

On September 21, 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) requested confidential classification (Request) of certain information provided in response to Staff's First Data Request, specifically Numbers 1 and 6 (data request responses) (Document No. 07814-2017).

Request for Confidential Classification

Gulf contends that designated portions of information contained in its data request responses, as more specifically identified by page, line and statutory basis in Exhibit C to its Request, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Gulf asserts that the information at issue relates to fuel price forecasting data, the disclosure of which would enable competitors to access and utilize Gulf's forecasts without incurring costs to obtain similar information, to the financial detriment of Gulf and its customers. Gulf also asserts that the information at issue includes information subject to non-disclosure agreements, the public disclosure of which would impair Gulf's competitive business interests, along with those of its vendors. Therefore, Gulf argues that such information is entitled to confidential classification pursuant to Sections 366.093(3)(a) and (e), F.S. Gulf affirms that the information has not been disclosed to the public and Gulf has treated and continues to treat the information at issue as confidential.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service 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 has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

(a) Trade secrets.

(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), F.S., for classification as proprietary confidential business information. The information constitutes “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document No. 07814-2017 shall be granted confidential classification. Although Gulf also asserted that this information is protected under Section 366.093(3)(a), F.S., an evaluation of that statutory provision is unnecessary as the information meets the requirements set forth in Section 366.093(3)(e), F.S.

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.

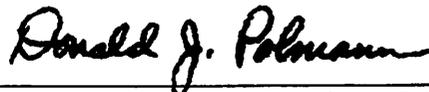
Based on the foregoing, it is

ORDERED by Commissioner Donald J. Polmann, as Prehearing Officer, that Gulf Power Company’s Request for Confidential Classification of Document No. 07814-2017 is granted. It is further

ORDERED that the information in Document No. 07814-2017 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 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 Donald J. Polmann, as Prehearing Officer, this 17th day
of November, 2017.



DONALD J. POLMANN, Ph.D., P.E.
Commissioner 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.

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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.