

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Electric Service Quality
(ESQ) Audit Requests for
Confidentiality (Audit Control
No. 97-01-002).

DOCKET NO. 971668-EI
ORDER NO. PSC-98-0619-CFO-EI
ISSUED: May 4, 1998

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF INFORMATION CONCERNING SERVICE QUALITY AND
RELIABILITY OF GULF POWER AND THE SOUTHERN COMPANY

On January 21, 1998, Gulf Power Company (Gulf Power) filed a request pursuant to Rule 25-22.006 and Section 366.093, Florida Statutes, that Document No. 00145-98 containing certain information concerning Gulf Power and Southern Company's service quality and reliability receive confidential classification.

Documents submitted to governmental agencies in Florida are public records. The only exceptions are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This is based on the concept that government should operate in the "sunshine."

Rule 25-22.006(4), Florida Administrative Code, provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 366.093, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 366.093(3), Florida Statutes, provides the following definition for proprietary confidential business information:

The term 'proprietary confidential business information' means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been

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disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company 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 information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Rule 25-22.006(4)(c), Florida Administrative Code, requires that the company demonstrate by a line-by-line or field-by-field justification how the information asserted to be confidential qualifies as one of the statutory examples listed in section 366.093(3), Florida Statutes. If no statutory example is applicable, then the company shall include a statement explaining how the ratepayers or the company's operations will be harmed by disclosure.

As indicated by the attached chart, Attachment I, the materials for which confidential classification has been claimed meet the requirements for exemption based on Section 366.093(3)(e); Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Confidential classification for documents beyond the

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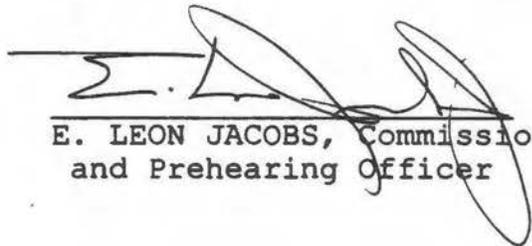
Based on the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification is granted as to those materials listed in Attachment I. It is further

ORDERED that pursuant to Section 366.095, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentially granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a reviewed request for confidentially pursuant to Section 366.093. 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 E. Leon Jacobs as Prehearing Officer, this 4th day of May, 1998.


E. LEON JACOBS, Commissioner
and Prehearing Officer

(S E A L)

RCB

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.

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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 this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, 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.

GPCCONF.MRD

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ATTACHMENT I

ITEM

Request for Confidential Classification, filed January 5, 1998, for portions of the report as shown in company exhibits A and B, with line by line justification in exhibit C.

ESQ-1 Item 6

Pages 2-3 (includes all tables and accompanying text)

ESQ-1 Item 26

Pages 1-190 (includes all tables and accompanying text)

ESQ-1 Item 28

Pages 1-2 in their entirety

ESQ-2 Item 1

Pages 1-181 (includes all tables and accompanying text)

ESQ-2 Item 2

Page 2 Rows 0-6 Columns AA-N

ESQ-2 Item 3

Page 2 Rows 1-9 Columns A-O

ESQ-2 Item 4

Page 2 Rows 1-8 Columns A-O

ESQ-2 Item 7

Pages (includes all tables and accompanying text)

ESQ-2 Item 28

Page 2 Lines 1-12 Column B

13, 15, 17, 19-20, 24-25, Column A-B

14, 16, 22, 25-29 Column B

Page 7 Lines 1-24

Page 8-11 All lines of each page

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13-23 (detailed staffing and resource usage from survey obtained by permission from survey respondents. Information may be proprietary to the survey respondents) .

ESQ-3 Item 1

Attachment 5

Pages 1-50 (includes all tables and accompanying text)

ESQ-3 Item 1

Attachment 1A

Pages 1-8 (includes all tables and accompanying text)

Attachment 2B

Pages 1-8 (includes all tables and accompanying text)

ESQ-3 Item 2

Attachment 2A

Pages 1-8 (includes all tables and accompanying text)

ESQ-5 Item 1

Pages 1-3, the tables including all rows and columns

Staff Workpapers

Page 35, paragraph 5, all except last sentence

Page 38, paragraph 4, all

Page 60, paragraph 3, all

Page 61, paragraph 3, all

Page 63, paragraph 4, sentences 3 and 4