

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating  
performance incentive factor.

DOCKET NO. 090001-EI  
ORDER NO. PSC-09-0285-CFO-EI  
ISSUED: April 30, 2009

ORDER GRANTING GULF POWER COMPANY'S REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED  
BY ORDER NO. PSC-06-0910-CFO-EI IN DOCKET NO. 060001-EI  
(DOCUMENT NO. 02876-08 (X-REF. DOCUMENT NO. 08286-06;  
X-REF. DOCUMENT NO. 07834-06))

This Order addresses the continuation of confidential treatment for certain documents submitted in Gulf Power Company's (GULF) response to Staff's First Data Request No. 2 dated August 18, 2006 (Document No. 02876-08). These documents consist of a natural gas Storage Service Agreement (Storage Contract) between Bay Gas Storage Co., Ltd. and GULF's agent, Southern Company Services, Inc. By Order No. PSC-06-0910-CFO-EI, the Commission initially granted confidential classification for the documents on November 1, 2006. Pursuant to Section 366.093(4), Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), GULF requested on April 14, 2008, that confidential treatment be extended for the information contained in Document No. 02876-08 (x-ref. Document No. 08286-06; x-ref. Document No. 07834-06). The document was originally granted confidentiality for 18 months, and GULF now requests that confidentiality be extended for an additional 18 months. In its request, GULF states that the period of confidential classification granted by Order No. PSC-06-0910-CFO-EI will soon expire and that portions of the information covered by that Order warrant continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S. This request was filed in Docket No. 080001-EI.

GULF contends that its response to Staff's Data Request No. 2 consists of a Storage Contract, which contains a confidentiality provision prohibiting disclosure of the contract, and that this Storage Contract is still in effect. GULF claims that if the contract's contents or the natural gas storage pricing information were made public, it would cause irreparable harm to GULF's competitive interests and its ability to enter into contracts on terms favorable to GULF and its ratepayers. According to GULF, potential counterparties would refuse to enter into contracts with GULF or charge higher prices if the contract terms were made public. In addition, GULF states that the material is intended to be and is treated by GULF as private and has not been disclosed. As a result, GULF requests that the information identified in Order No. PSC-06-0910-CFO-EI be accorded confidential classification for an additional 18-month period.

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 constitutes "information concerning bids or other contractual data,

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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." The information has not become stale or public. Thus, GULF's request for an extension of confidential treatment of Document No. 02876-08 (x-ref. Document No. 08286-06; x-ref. Document No. 07834-06) shall be granted.

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.

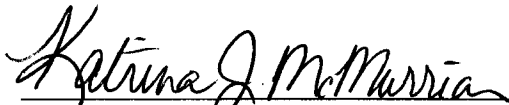
Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrin, as Prehearing Officer, that Gulf Power Company's Request for Extended Confidential Classification of Document No. 02876-08 is granted. It is further

ORDERED that the information in Document No. 02876-08 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 Katrina J. McMurrin, as Prehearing Officer, this 30th day of April, 2009.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

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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 25-22.060, 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.