

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of energy purchase agreement between Gulf Power Company and Morgan Stanley Capital Group Incorporated.

DOCKET NO. 160158-EI  
ORDER NO. PSC-16-0477-CFO-EI  
ISSUED: October 21, 2016

ORDER GRANTING GULF POWER COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 07162-16)

On August 31, 2016, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (GPC) filed a Request for Confidential Classification (Request) of portions of information contained in its response to the Florida Public Service Commission (Commission) Staff's First Data Request, Nos. 12-14, 24, 29, and 31.

Request for Confidential Classification

GPC contends that portions of the information contained in its response to Commission Staff's First Data Request, Nos. 12-14, 24, 29, and 31, as specifically described in Exhibit B, attached to GPC's Request, constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. GPC further states that all of the information contained in this material has not been disclosed to the public and is treated by GPC as confidential and proprietary business information.

GPC asserts that portions of the information contained in its response to Commission Staff's First Data Requests, Nos. 12, 13, 14, 24, 29 and 31, also constitute proprietary confidential business information concerning bids or other contractual data, the disclosure of which would impair its efforts to contract for goods or services on favorable terms. GPC contends that certain information consists of projected avoided cost calculations, fuel pricing and forecasts, the disclosure of which would impair GPC's efforts to contract for goods or services on favorable terms and adversely impair its competitive interests. Therefore, Gulf argues that this information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the 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:

(d) Information concerning bids and other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods and 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 that 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 described above and in Exhibit B, attached to GPC's Request, appears to be information concerning bids or other contractual data, the disclosure of which would impair the efforts of GPC and/or its affiliates, to contract for goods or services on favorable terms, and/or 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. 07162-16 shall be granted 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 the issuance of this Order. At the conclusion of this period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless GPC 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 Commissioner Julie I. Brown, as Presiding Officer, that Gulf Power Company's Request for Confidential Classification of materials contained in Document No. 07162-16 is granted, as set forth herein. It is further

ORDERED that the information in Document No. 07162-16, 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.

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By ORDER of Chairman Julie I. Brown, as Presiding Officer, this 21st day  
of October, 2016.



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JULIE I. BROWN

Chairman

Florida Public Service Commission

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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.

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.