

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Gulf Power Company's request for confidential treatment of certain information contained in report entitled review of physical security protection of utility substations and control centers.

DOCKET NO. 20140234-EI
ORDER NO. PSC-2019-0511-CFO-EI
ISSUED: December 6, 2019

ORDER GRANTING GULF POWER COMPANY'S THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 06521-14 and 00900-15

On December 1, 2014, 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 Request for Confidential Classification of Gulf Power Company's responses to Florida Public Service Commission (Commission) Staff's data requests and workpapers concerning the Commission's review of "Gulf Power Company's Physical Security of Utility Substations and Control Centers," seeking confidential classification of Document No. 06521-14. Audit staff's workpapers in Document No. 00900-15 contain information from Document No. 06521-14.

By Order No. PSC-15-0059-CFO-EI issued January 22, 2015, Gulf's request for confidential classification was granted. By Order No. PSC-16-0501-CFO-EI, issued October 31, 2016, Gulf's first request for an extension of the confidential classification was granted. By Order No. PSC-18-0255-CFO-EI, issued on May 21, 2018, Gulf's second request for extension of confidential treatment was granted. On November 26, 2019, Gulf filed its third request for extension of confidential classification of Document No. 06521-14.

Request for Confidential Classification

Gulf asserts that Document No. 06521-14 contains details of Gulf's physical security measures, procedures, and systems. Gulf asserts the public disclosure of this information would jeopardize the safe operation of Gulf's facilities. Gulf states that the information constitutes "proprietary confidential business information" and is exempt from disclosure under Section 366.093(3)(c), F.S. Gulf contends the information is intended to be and has been treated as confidential by Gulf and has not been publicly disclosed. Moreover, Gulf states the information will remain highly sensitive and confidential and should not be declassified for a period of at least 18 months pursuant to Section 366.093(4), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public 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)(c), F.S., provides that proprietary confidential business information includes, but is not limited to, “security measures, systems, or procedures.”

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 described above appears to be information related to security measures, systems, or procedures. Public disclosure of this information would harm the company or its ratepayers. For these reasons, the information identified in Document No. 06521-14 and Document No. 00900-15 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 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 Gary F. Clark, as Prehearing Officer, that Gulf Power Company’s Third Request for Confidential Classification is granted and the information contained in Document No. 06521-14 and Document No. 00900-15 shall be classified as confidential. It is further

ORDERED that the information in Document No. 06521-14 and Document No. 00900-15, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date 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 Commissioner Gary F. Clark, as Prehearing Officer, this 6th day of December, 2019.



GARY F. CLARK

Commissioner and Prehearing Officer
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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.

AEH

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.