

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of proposed pilot/experimental Real Time Pricing Program and the associated rate schedule by Gulf Power Company.

DOCKET NO. 941102-EI  
ORDER NO. PSC-99-1360-CFO-EI  
ISSUED: July 15, 1999

ORDER DENYING CONFIDENTIAL CLASSIFICATION TO GULF POWER COMPANY'S  
REAL TIME PRICING PILOT REPORT (DOCUMENT NO. 05530-99)

By Request for Confidential Classification filed May 3, 1999, and pursuant to Rule 25-22.006, Florida Administrative Code, Gulf Power Company (Gulf) requests that the Real Time Pricing Pilot Report (Report) submitted to the Florida Public Service Commission (FPSC) pursuant to Order No. PSC-95-0256-FOF-EI, issued February 23, 1995, be granted confidential classification. Gulf asserts that the Report contains proprietary and commercially sensitive information that is not otherwise publicly available. Gulf asserts that this information relates "to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" pursuant to Section 366.093(3)(e), Florida Statutes. Gulf maintains that the material for which confidential classification is requested is intended to be, and is treated as, confidential by Gulf and the entity with whom it has entered a Customer Service Agreement (CSA) contract and has not been otherwise publicly disclosed. The information for which Gulf seeks confidential treatment is contained in Document No. 05530-99.

Gulf contends that the information contained in the following table is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes, as information the disclosure of which would harm the "competitive interests" of Gulf and the entity taking service under the RTP rate.

**TABLE ONE: REAL TIME PRICING PILOT INFORMATION ALLEGEDLY CONCERNING COMPETITIVE INTERESTS**

PAGE NUMBER	TYPE OF INFORMATION	SECTION OF STATUTE IMPLICATED
6, 7, 8, 10, 11, 14, 15, 16, 18, 23, 24, 25	TABLES CONTAINING AGGREGATE PRICE AND LOAD INFORMATION	SECTION 366.093(3)(e), FLORIDA STATUTES

Upon review, it appears as if the information detailed in Table One above is not entitled to confidential classification.

DOCUMENT NUMBER-DATE

08427 JUL 15 99

FPSC-RECORDS/REPORTING

The information located on pages six, seven, eight, ten, and eleven, consists of data on the historical RTP prices charged by Gulf during the pilot project program from 1995 through 1998. Page six shows average monthly RTP prices. Page seven shows the maximum, minimum and average annual RTP prices. Page eight shows the number of days during each year that RTP prices fell within certain ranges. Page ten shows average hourly RTP prices for summer weekdays. Page eleven shows the average hourly RTP prices for winter weekdays as well as the distribution of maximum RTP prices into on and off peak periods. The data included in the tables on these pages does not reveal any information about the RTP customers who took part in the pilot program. The information on these pages relates solely to the prices charged during the period. Gulf has not clearly demonstrated that the disclosure of information contained in these pages would impair the competitive business of Gulf as it has alleged in its filing. With the exception of rates negotiated with customers pursuant to Gulf's Commercial-Industrial Service Rider (CISR), all of Gulf's rates are publicly available. The RTP rates were the same for all qualified customers who chose to take service under the RTP pilot program. The rates under Gulf's proposed permanent RTP rate will also be the same for all qualified customers who take service under the rate. The disclosure of the prices paid for electricity by RTP pilot participants would not impair the competitive business of Gulf any more than does the disclosure of Gulf's other commercial and industrial rates. Absent more specific justification, the information contained in these pages does not appear to be entitled to confidential classification under Section 366.093, Florida Statutes.

The information contained in the tables on pages fourteen, fifteen, and sixteen, consists of graphs showing the average hourly Megawatt load shapes for the summer period based on five different price categories. Graphs are presented for all RTP customers, as well as separate graphs for each of the five market segments identified in the report. Page eighteen contains a table with the values used to create the graphs on pages fourteen through fifteen. Page eighteen shows ratios of the average off-peak to average on-peak loads. The graphs and table contain aggregated data, and do not disclose the identity or load shapes of any specific individual RTP customers. Absent a more specific justification, this information is not entitled to confidential classification.

The information on pages twenty three, twenty four and twenty five contain the results of a multivariate regression analysis

conducted by Gulf. This analysis attempts to estimate the impact of the RTP prices on the hourly loads of the RTP customers. The graph and accompanying tables on pages twenty three and twenty four show the estimated Megawatt load reductions associated with various RTP price levels, for all of the RTP customers, and separately for each of the five identified market segments. Page twenty five contains the estimated hourly load impacts for the peak RTP price for all customers and by market segment. Again, the graphs and tables contain aggregated data, and do not disclose the identity or load shapes for any specific individual RTP customers. Absent a more specific justification, the information contained in these pages does not qualify for confidential classification as information which, if disclosed, could harm the competitive interests of Gulf or the entity taking service under the RTP rate.

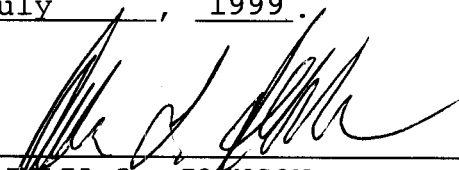
Because none of the information for which Gulf seeks confidential classification falls within the exceptions to Chapter 119, Florida Statutes, listed in Section 366.093, Florida Statutes, none of the information is entitled to confidential classification. Gulf has not shown that what it wishes to protect pertains to "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" pursuant to Section 366.093(3)(e), Florida Statutes, as alleged in the filing. Gulf has not shown that the information for which it seeks confidential classification comes within one of these enumerated categories. Gulf's request for confidential classification is, therefore, denied.

Based on the foregoing, it is therefore

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the information contained in Document No. 05530-99, Real Time Pricing Pilot Program Report, is not entitled to confidential classification.

ORDER NO. PSC-99-1360-CFO-EI  
DOCKET NO. 941102-EI  
PAGE 4

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 15th Day of July, 1999.

  
\_\_\_\_\_  
JULIA L. JOHNSON  
Commissioner and Prehearing Officer

( S E A L )

GAJ

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, 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,

ORDER NO. PSC-99-1360-CFO-EI  
DOCKET NO. 941102-EI  
PAGE 5

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.