

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf Power  
Company.

DOCKET NO. 20160186-EI  
ORDER NO. PSC-2019-0126-CFO-EI  
ISSUED: April 11, 2019

ORDER GRANTING GULF POWER COMPANY'S FIRST REQUEST FOR  
EXTENSION OF CONFIDENTIAL CLASSIFICATION  
(DOCUMENTS NOS. 00987-2017 and 00182-2017)

On September 6, 2018, 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 First Request for Extension of Confidential Classification of documents contained in Audit No. 2016-295-1-1. Specifically, GULF seeks extended confidential classification of Document Nos. 00987-2017 and 00182-2017.

Request for Confidential Classification

GULF's original request for confidential treatment of information was granted by Order No. PSC-2017-0082-CFO-EI, issued on March 2, 2017. GULF asserts that all of the information that was the subject of Order No. PSC-2017-0082-CFO-EI warrants continued treatment as proprietary and confidential business information.

GULF contends that Document Nos. 00987-2017 and 00182-2017 contain certain information that constitutes "proprietary confidential business information" entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. GULF states that this information is intended to be and is treated by GULF as private and has not been publicly disclosed.

GULF further contends that Document Nos. 00987-2017 and 00182-2017 contain information concerning capacity revenues received under unit power sales agreements and internal Management Procedures and asserts that this information is protected by Section 366.093(3)(d) and (e) F.S. Additionally, GULF asserts the documents contain information concerning contractual data, that the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods of services on favorable terms, and that this information is protected by 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 or other contractual data, the disclosure of which would impair the efforts of the public utility 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.

Upon review, it appears that the information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information appears to be (i) competitively negotiated data, such as proprietary confidential business information concerning bids or other contractual data, the disclosure of which could impair the efforts of GULF to contract for goods and/or services on favorable terms; and (ii) competitive interests, which could be used by competitors to gain confidential internal information. Public disclosure of this information would provide other market participants with access to GULF'S work product enabling them to optimize their own systems and procedures at GULF'S expense. Thus, the information identified in Document Nos. 00987-2017 and 00182-2017 shall be granted a continuation of 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 hereby

ORDERED by Chairman Art Graham, as Prehearing Officer, that Gulf Power Company's First Request for Extension of Confidential Classification of the information contained in Document Nos. 00987-2017 and 00182-2017 is granted. It is further

ORDERED that the information in Document Nos. 00987-2017 and 00182-2017 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 Chairman Art Graham, as Prehearing Officer, this 11th day of April, 2019.



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ART GRAHAM  
Chairman 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.

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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