

One Energy Place  
Pensacola, Florida 32520

Tel 850.444.6111



July 19, 2001

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0870

Dear Ms. Bayo:

RE: Docket No. 010827-EI

Enclosed is Gulf Power Company's Notice of Intent to Request Confidential Classification to Gulf's response to request numbers 10 and 15 of Staff's First Request for Production of Documents, Nos. 1-15, in the above docket.

Sincerely,

A handwritten signature in cursive script that reads "Susan D. Ritenour".

Susan D. Ritenour  
Assistant Secretary and Assistant Treasurer

lw

Enclosure

cc: Beggs and Lane  
Jeffrey A. Stone, Esquire

**This docketed notice of intent was filed with Confidential Document No. 08811-01. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.**

DOCUMENT NUMBER-DATE

08810 JUL 19 01

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Gulf Power Company's petition for )  
approval of purchased power arrangement ) Docket No.: 010827-EI  
regarding Smith Unit 3 for cost recovery )  
through recovery clauses dealing with )  
purchased capacity and purchased energy )  

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Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished  
this 10th day of July 2001 by U.S. Mail or hand delivery to the following:

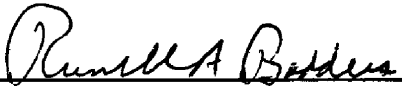
Robert Elias, Esquire  
Staff Counsel  
FL Public Service Commission  
2540 Shumard Oak Boulevard  
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c/o The Florida Legislature  
111 W. Madison St., Room 812  
Tallahassee FL 32399-1400

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Greenberg Traurig, P.A.  
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Tallahassee FL 32302

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RUSSELL A. BADDERS  
Florida Bar No. 0007455  
Beggs & Lane  
P. O. Box 12950  
Pensacola FL 32576  
850 432-2451  
Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Gulf Power Company's petition for approval of purchased power arrangement regarding Smith Unit 3 for cost recovery through recovery clauses dealing with purchased capacity and purchased energy. )  
 )  
 ) Docket No.: 010827-EI  
 ) Date Filed: July 19, 2001  
 )  
 )  
 )

**NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION**

1. Notices and communications with respect to this Notice should be addressed to:

Jeffrey A. Stone, Esquire  
Russell A. Badders, Esquire  
Beggs & Lane  
P. O. Box 12950  
Pensacola, FL 32576-2950

Susan D. Ritenour  
Assistant Secretary and Assistant Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

2. Gulf Power Company, by and through its undersigned attorney and pursuant to Rule 25-22.006, Florida Administrative Code, hereby gives notice that it intends to request confidential classification for Gulf Power's response to request numbers 10 and 15 of Staff's First Request for Production of Documents (1-15), hereafter the Responses. The Responses are being submitted to the Florida Public Service Commission Staff for their review in connection with Gulf Power Company's petition for approval of purchased power arrangement regarding Smith Unit 3 for cost recovery through recovery clauses dealing with purchased capacity and purchased energy. A copy of the Responses is attached hereto as exhibit "A".

3. The response to request for production of documents numbered 10 contains proprietary confidential business information regarding trade secrets, contractual and bid information, and information relating to competitive interests the disclosure of which would

cause irreparable harm to Gulf Power Company and the entity with whom it has either contracted or received bids for evaluation. This information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes. The information is treated as confidential by the third parties who provided it to Gulf Power.

4. The response to request for production of documents numbered 15 contains proprietary and commercially sensitive information regarding both Gulf Power and West Georgia Generating Company L.P., which if disclosed to the general public would cause irreparable harm to both companies. Specifically, the response is a purchased power agreement between Gulf Power Company and West Georgia Generating Company, L.P. The nature of the competitive wholesale market in which Gulf Power and West Georgia Generating Company L.P. operate requires that the confidentiality of the specific terms and conditions of the PPA be assured in order to safeguard the contracting parties from the competitive disadvantages that could result from public disclosure. Public disclosure of the specific terms and conditions of the PPA would give competitors access to details about West Georgia Generating Company's costs and operations that are not otherwise available in the competitive market. This would result in West Georgia Generating Company being severely disadvantaged in any bid process in which they participate since other potential bidders would have vital information about them that they could use to undercut any bid submitted by West Georgia Generating Company. Thus, this information is entitled to designation as confidential pursuant to Section 366.093(3)(a) and (e), Florida Statutes. The information provided in the PPA is further entitled to confidential classification as information concerning 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. Section 366.093(3)(d), Florida Statutes, provides that such information is proprietary confidential business information to be afforded protection from public disclosure. For the reasons stated herein above, the public disclosure of the specific contractual terms and conditions of the PPA would result in irreparable harm to West Georgia Generating Company. Gulf would suffer similar harm, but from the perspective of a purchaser in the wholesale energy market. Other wholesale generators may not enter into PPA's with Gulf if the terms and conditions of said PPA's are publicly disclosed. Gulf would then be in a very difficult market position and may be unable to acquire purchased power at a competitive price.

5. A formal request for confidential classification will be filed within the time period specified in Rule 25-22.006(3)(a), Florida Administrative Code, if at the end of such time period the FPSC Staff determines that the information will be retained by the Commission and not returned to Gulf Power. In the event the Staff determines that it will retain this document, the Companies request to be notified, through the undersigned counsel, prior to the expiration of the period specified in Rule 25-22.006(3)(a).

6. The information filed pursuant to this Notice is intended to be, and is treated as, confidential by Gulf Power and has not been otherwise publicly disclosed.

Respectfully submitted this 19<sup>th</sup> day of July 2001,



**JEFFREY A. STONE**  
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