

One Energy Place  
Pensacola, Florida 32520

Tel 850.444.6111



November 13, 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. 010949-EI

Enclosed are an original and fifteen copies of Gulf Power Company's Request for Temporary Protective Order for responses to request numbers 43, 45, and 46 of Citizens' Second Request for Production of Documents, Nos. 38-57, to be filed in the above docket.

Also enclosed is a 3.5 inch double sided, high density diskette containing the Statement in WordPerfect 6.1 format as prepared on a Windows NT based computer.

Sincerely,

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

Susan D. Ritenour  
Assistant Secretary and Assistant Treasurer

lw

Enclosures

cc: Beggs and Lane  
Jeffrey A. Stone, Esquire

DOCUMENT NUMBER-DATE

14512 NOV 15 2001

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Request for Rate Increase by Gulf  
Power Company

Docket No.: 010949-EI  
Date: November 13, 2001

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**REQUEST FOR TEMPORARY PROTECTIVE ORDER**

GULF POWER COMPANY ["Gulf Power", "Gulf", or "the Company"], by and through its undersigned attorney and pursuant to Rule 25-22.006, Florida Administrative Code, hereby files a request that the Florida Public Service Commission enter a temporary protective order protecting from public disclosure Gulf Power Company's responses to request numbers 43, 45 and 46 of Citizen's Second Request for Production of Documents (38-57). Gulf Power is providing the Office of Public Counsel (Public Counsel) access to certain of the responses either at the offices of Gulf Power or by delivery of the responses through U.S. Mail. As grounds for this request, Gulf Power Company states:

1. Gulf Power Company has filed a petition under Section 366.06, Florida Statutes, for an adjustment of rates. For purposes of discovery in the docket established to address Gulf's petition for an adjustment of rates, the Public Counsel has propounded numerous interrogatories and requests for production of documents, the responses to which will necessarily result in the disclosure of confidential information of the Company, parties with whom it has entered contracts and one or more of its affiliates and/or customers. In an attempt to provide the Public Counsel responses to their discovery requests in an expeditious manner, Gulf files this request to allow Public Counsel to inspect and possess this confidential information for the purpose of determining what information is to be used in the proceeding before the Commission in this

docket pursuant to Florida Public Service Commission Rule 25-22.006(6)(c). In the event Public Counsel determines that portions of the confidential information will be used in the proceeding before the Commission, Gulf requests that it be so notified no later than thirty days prior to that proceeding to allow sufficient time in which to prepare and file a specific request for a protective order as provided by Rule 25-22.006(6)(c). In the event that Public Counsel does not use the information in the proceeding before the Commission, Gulf specifically requests that the information, and that which was derived therefrom, be either returned to Gulf or destroyed such that it does not remain in the possession of any entity subject to section 119.07(1), Florida Statutes.

2. The response to request for production of documents numbered 43 is entitled to confidential classification pursuant to §366.093(3)(b), Florida Statutes. Internal audit reports are specifically designated as proprietary confidential business information in §366.093(3)(b), Florida Statutes. The response being made available to this request is an internal audit reports on affiliate transactions.

3. The responses to request for production of documents numbered 45 and 46 are entitled to confidential classification pursuant to §366.093(3)(a) and (e), Florida Statutes as information concerning contractual data, the disclosure of which would impair the efforts of Gulf Power 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 and is to be afforded protection from public disclosure. The information provided in this response consists of multiple contracts for good and services between Gulf Power and one or more of its affiliates. The specific price and other terms of these contracts are considered by both Gulf Power and the entity with whom it has entered into the contract(s) as competitively sensitive.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for rate increase by )  
Gulf Power Company )  
\_\_\_\_\_ )

Docket No. 010949-EI

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished  
this 13<sup>th</sup> day of November 2001 by U.S. Mail to the following:

Robert Elias, Esquire  
Staff Counsel  
FL Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0863

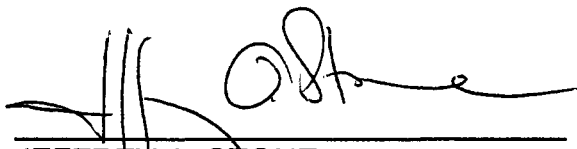
Jack Shreve, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., Room 812  
Tallahassee FL 32399-1400

Joseph A. McGlothlin, Esquire  
McWhirter Reeves, P.A.  
117 S. Gadsden Street  
Tallahassee FL 32301

John W. McWhirter, Esquire  
McWhirter Reeves, P.A.  
400 N. Tampa St., Suite 2450  
Tampa FL 33601-3350

Douglas A. Shropshire, Lt. Col. USAFR  
AFCESA/Utility Litigation Team  
6608 War Admiral Trail  
Tallahassee FL 32309

Michael A. Gross  
Vice President  
Florida Cable Telecommunications Assn  
246 East 6<sup>th</sup> Avenue, Suite 100  
Tallahassee FL 32303



JEFFREY A. STONE  
Florida Bar No. 325953  
RUSSELL A. BADDERS  
Florida Bar No. 0007455  
Beggs & Lane  
P. O. Box 12950  
Pensacola FL 32576  
850 432-2451  
Attorneys for Gulf Power Company