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Pensacola, Florida 32520

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January 16, 2002

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 Motion for Protective Order, to be filed in the above docket.

Also enclosed is a 3.5 inch double sided, high density diskette containing the Motion 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
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Request for Rate Increase by Gulf
Power Company

Docket No.: 010949-EI

Date: January 16, 2002

MOTION FOR 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 protective order protecting from public disclosure the confidential portions of the deposition testimony of Gulf Power Company’s witnesses in this docket. 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 Commission Staff has scheduled the depositions of several of Gulf’s witnesses. While the exact nature of the questions and responses to those questions cannot be determined at this time, some of the information that may be discussed during those depositions is likely to disclose confidential proprietary business information. Previously filed motions for temporary protective orders and requests for confidential classification may cover some portions of the information discussed during the depositions, but information beyond that which is covered by the previous filings may be requested of Gulf’s witnesses during the depositions. Gulf files this request in an attempt to resolve how the confidential information will be handled to prevent public disclosure of confidential proprietary business information.

2. A proper balance of the interests of a party in discovery and those of the Company with regard to confidential proprietary business information can be achieved through the entry of

a protective order that allows parties access to the information while affording an opportunity to the Company to make a formal request for confidential classification. Gulf requests the entry of a protective order providing that: 1) any question or response which Gulf claims would disclose confidential information, would be sealed in a separate transcript which is to be kept confidential and not made available to the public; 2) only assigned staff, Public Counsel and parties who have signed a nondisclosure agreement with Gulf will be permitted to be present at the deposition and to possess or review the deposition transcripts; (3) if the confidential information is to be used at the hearing in this docket, a request for confidential classification covering that confidential information will have to be filed within 21 days of the conclusion of that hearing.

3. Gulf has consulted with each of the parties of record and none expressed an objection to this motion.

WHEREFORE, Gulf Power Company respectfully requests that the Commission enter a protective order consistent with this request.

Respectfully submitted this 16th day of January 2002,



JEFFREY A. STONE
Florida Bar No. 325953

RUSSELL A. BADDERS
Florida Bar No. 007455

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Attorneys for Gulf Power Company

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 16th day of January 2002 by U.S. Mail to the following:

Marlene Stern, Esquire
Staff Counsel
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