

Susan D. Ritenour
Secretary and Treasurer
and Regulatory Manager

One Energy Place
Pensacola, Florida 32520-0781

Tel 850.444.6231
Fax 850.444.6026
SDRITENO@southernco.com



October 14, 2005

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. 050007-EI

Enclosed are an original and fifteen copies of Gulf Power's Request for Temporary Protective Order regarding Gulf's response to Citizens' Second Request for Production of Documents, No. 2, to be filed in the above referenced docket.

Sincerely,

lw

cc: Beggs and Lane
Jeffrey A. Stone, Esquire

05 OCT 17 11 08 15
REGISTRATION CENTER

DOCUMENT NUMBER - DATE
09978 OCT 17 05
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: IN RE: Environmental Cost)
Recovery Clause)
_____)

Docket No. 050007-EI
Date: October 14, 2005

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 number 2 of Citizen’s Second Request for Production of Documents (No. 2). Gulf Power is providing the Office of Public Counsel (Public Counsel) access to certain of the responses 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 for cost recovery of environmental costs in the above referenced docket. For purposes of discovery, the Public Counsel has propounded requests for production of documents, the responses to which will necessarily result in the disclosure of confidential information of the Company. 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 15 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 2 is entitled to confidential classification pursuant to §366.093(3)(e), Florida Statutes. The response requires Gulf to provide the responses to discovery submitted to the Commission's staff under a Notice of Intent to Request Confidential Classification on October 5, 2005. Gulf has already served Public Counsel with all non-confidential discovery responses submitted to Staff. Specifically, request number 5 of Staff's Third Request for Production of Documents to Gulf Power Company contains confidential proprietary business information relating to Gulf's environmental strategy including detailed information on the timing and need for SO₂ allowances. Disclosure of this information would adversely affect Gulf's ability to operate its system to the benefit of its customers and would impair the competitive business of Gulf.

3. The material for which confidential classification is requested is intended to be, and is treated as, confidential by Gulf Power Company and, to the best of the undersigned attorney's knowledge has not been otherwise publicly disclosed.

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

Respectfully submitted this 14th day of October 2005,



JEFFREY A. STONE

Florida Bar No. 325953

RUSSELL A. BADDERS

Florida Bar No. 7455

STEVEN R. GRIFFIN

Florida Bar No. 0627569

Beggs & Lane

P. O. Box 12950

Pensacola, FL 32591

(850) 432-2451

Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery)
Clause)

Docket No. 050007-EI

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished
this 14th day of October 2005 by U.S. Mail or hand delivery to the following:

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

John T. Butler, Esquire
Steel, Hector & Davis LLP
200 S. Biscayne Blvd., Ste 4000
Miami FL 33131-2398

Robert Vandiver, Esquire
Patricia Ann Christensen, Esquire
Office of Public Counsel
111 W. Madison St., Room 812
Tallahassee FL 32399-1400

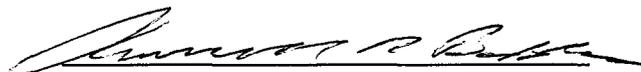
Lee L. Willis, Esquire
James D. Beasley, Esquire
Ausley & McMullen
P. O. Box 391
Tallahassee FL 32302

Timothy J. Perry, Esquire
McWhirter Reeves, P.A.
117 S. Gadsden Street
Tallahassee FL 32301

John W. McWhirter, Jr., Esquire
McWhirter Reeves, P.A.
400 N Tampa St Suite 2450
Tampa FL 33602

Gary V. Perko, Esquire
Hopping Green & Sams, P. A.
P. O. Box 6526
Tallahassee FL 32314

James McGee, Esquire
Progress Energy Service Co., LLC
P. O. Box 14042
St. Petersburg FL 33733-4042



JEFFREY A. STONE
Florida Bar No. 325953
RUSSELL A. BADDERS
Florida Bar No. 0007455
STEVEN GRIFFIN
Florida Bar No. 0627569
BEGGS & LANE
P. O. Box 12950
Pensacola FL 32591-2950
(850) 432-2451
Attorneys for Gulf Power Company