

**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 20, 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. 050001-EI

Enclosed are an original and fifteen copies of Gulf Power's Request for Confidential Classification regarding Gulf's response to Staff's First Request for Production of Documents, Nos. 5, 7, 8 and 12, to be filed in the above referenced docket.

Sincerely,

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

lw

cc: Beggs and Lane  
Jeffrey A. Stone, Esquire

DOCUMENT NUMBER- DATE

10263 OCT 21 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power )  
Cost Recovery Clauses and Generating ) Docket No. 050001-EI  
Performance Incentive Factor ) Date: October 20, 2005  
 )  
 )  
\_\_\_\_\_ )

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 an order protecting from public disclosure the responses to requests numbered 5, 7, 8 and 12 of Commission Staff's First Request for Production of Documents (1-12). As grounds for this request, the Company states:

1. Responses to requests numbered 5, 7, 8 and 12 of Commission Staff's First Request for Production of Documents (1-12) were submitted to the Commission's staff under a Notice of Intent to Request Confidential Classification on October 6, 2005 and to the Office of Public Counsel under a Motion for a Temporary Protective Order. The Commission Staff has notified Gulf that this response may be used at the hearing in the above referenced docket.
2. The information provided in response to request numbered 5 of Commission Staff's First Request for Production of Documents (1-12) is entitled to confidential classification pursuant to Section 366.093(3)(a) and (e). The Company's response to request numbered 5 contains proprietary confidential business information regarding Gulf's competitive interests and contains trade secrets held confidential by Gulf Power Company. Specifically, the response contains the business plans for Gulf's generating plants. These business plans provide detailed information about financial, business and operational strategies for each of Gulf's generating

plants. Disclosure of this information would give Gulf's competitors an unfair advantage when competing against Gulf in energy and capacity markets. This would undermine the market position of Gulf and its customers in nearly every market in which Gulf participates. In addition, information on Gulf's maintenance philosophy and financial goals are provided in the information. Gulf considers its maintenance philosophy and its overall financial, business and operational strategies to be trade secrets gained through years of experience in the electric utility business. Disclosure of this information would unfairly give Gulf's competitors the benefit of Gulf's experience and efforts.

3. The information provided in response to request numbered 7 of Commission Staff's First Request for Production of Documents (1-12) is entitled to confidential classification pursuant to Section 366.093(3)(a), (d) and (e). The Company's response to request numbered 7 contains proprietary confidential business information regarding Gulf's competitive interests, contractual matters and trade secrets held confidential by Gulf Power Company. Specifically, the response contains three items 1) maintenance practices from Gulf's internal guide for maintenance and operation of its generating units, 2) a portion of a contract detailing maintenance activities for one of Gulf's generating units and 3) a portion of Gulf's Business Plan related to the maintenance of its generating units. The first item is an excerpt from Gulf's internal maintenance and operation guide. This information is entitled to confidential classification as a trade secret and its disclosure would harm Gulf's competitive interests. The internal practices related to maintenance and operation of a utility's generating units is gained and refined throughout time. Gulf has in the past and continues to expend resources to develop and fine-tune its maintenance practices on its generating units in an effort to provide reliable and

cost-effective electricity to its customers. The knowledge gained by Gulf is considered a trade secret. Gulf competes in energy and capacity markets for the benefit of its customers. Disclosure of this information would impair Gulf's ability to effectively compete in these markets since it would give Gulf's competitors detailed insight into how Gulf operates and maintains its generating units. The second item, the Long Term Services Agreement with General Electric International, is entitled to confidential classification as contractual data, the disclosure of which would impair the efforts of Gulf Power to contract for future services agreements with equipment vendors, manufacturers and installers. The information provided is a portion of the actual contract language from a specific contract. Gulf and the party with whom it has entered into the contract consider the terms of this contract to be confidential. The third item is an excerpt from one of the business plans already provided in the response to request numbered 5 and discussed in paragraph 2 above. This information is entitled to confidential classification for the reasons stated in paragraph 2 above.

4. The information provided in response to request numbered 8 of Commission Staff's First Request for Production of Documents (1-12) is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e). The Company's response to request numbered 8 contains proprietary confidential business information regarding Gulf's competitive interests and is contractual data held confidential by Gulf Power Company. Specifically, the response contains three contracts entered into by Gulf for the supply of natural gas. The disclosure of these contracts would impair the efforts of Gulf Power to contract for future natural gas supply. Both Gulf and the gas suppliers regard this information as confidential. If Gulf is required to disclose this information publicly, gas suppliers may decide not to contract with Gulf in the

future because the terms of the agreement would be made public. In addition, public disclosure of the terms and pricing stated in these contracts would undermine Gulf's competitive position in fuel markets.

5. The information provided in response to request numbered 12 of Commission Staff's First Request for Production of Documents (1-12) is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e). The Company's response to request numbered 12 contains proprietary confidential business information regarding Gulf's competitive interests and is bid/contractual data held confidential by Gulf Power Company. Specifically, the response contains the actual request for bids for natural gas supply and the responses to that request received by Gulf. The disclosure of this bid information would impair the efforts of Gulf Power to contract for future natural gas supply. Both Gulf and the gas suppliers regard this information as confidential. If Gulf is required to disclose this information publicly, gas suppliers may decide not to contract with Gulf in the future because the details of their bids and associated contractual terms would be made public. In addition, public disclosure of the pricing stated in these bids would undermine Gulf's competitive position in fuel markets.

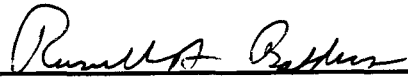
6. The information filed pursuant to this Request is intended to be, and is treated as, confidential by the Gulf Power and has not been otherwise publicly disclosed.

7. Submitted as Exhibit "A" is a copy of the responses, on which is highlighted the information for which confidential classification is requested. Exhibit "A" should be treated as confidential pending a ruling on this request. Attached as Exhibit "B" are two (2) edited copies of the response, which may be made available for public review and inspection. Attached as Exhibit "C" to this request is a line-by-line/field-by-field justification for the request for

confidential classification.

WHEREFORE, Gulf Power Company respectfully requests that the Commission enter an order protecting the information highlighted on Exhibit "A" from public disclosure as proprietary confidential business information.

Respectfully submitted this 20<sup>th</sup> 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: Fuel and purchased power cost  
recovery clause and generating performance  
incentive factor

Docket No.: 050001-EI  
Date: October 20, 2005

\_\_\_\_\_)

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

**EXHIBIT "A"**

Provided to the Division of Records and Reporting  
under separate cover as confidential information

EXHIBIT "B"



Staff's First Request for Production Of Documents  
Docket No.: 050001-EI  
GULF POWER COMPANY  
October 06, 2005  
Item No. 5  
Page 1 of 129

5. Please provide any document which memorializes budget and performance objectives for the following Southern Company plants for 2005 and 2006: Daniel; Scholtz; Crist; Smith; and Scherer.

ANSWER:

Attached are the Plant Business Plans for each plant outlining financial and business goals.

The attachments provided in response  
to this request have been submitted pursuant  
to a Request for Confidential Classification

Staff's First Request for Production of Documents  
Docket No.: 050001-EI  
GULF POWER COMPANY  
October 06, 2005  
Item No. 7  
Page 1 of 18

7. Please provide any document which Gulf Power relies upon for guidance regarding the timing and frequency of repairing and/or replacing equipment as part of a planned outage.

**ANSWER:**

Long Term Services Agreement with General Electric International Inc. which outlines the Scope of Inspections and Frequency of Inspections for Combined Cycle Unit. Other maintenance practices are outlined in Chapter VI Section B of the Playbook. Page 15 of the Plant Business Plans provided for Item No. 6 include timing and frequency of major equipment repair and inspection.

The attachments provided in response  
to this request have been submitted pursuant  
to a Request for Confidential Classification

Staff's First Request for Production of Documents  
Docket No.: 050001-EI  
GULF POWER COMPANY  
October 06, 2005  
Item No. 8  
Page 1 of 78

8. Please provide all contracts for natural gas supply that Gulf Power has entered into since December 15, 2004 to satisfy its natural gas 2006 requirements.

ANSWER:

Natural gas supply is contracted by Southern Company Services, Inc. as agent for Gulf Power as well as the other Southern Company operating companies. Since December 15, 2004, SCS has added three gas supply contracts that could be used for Gulf Power's generation needs as well as delivery to other plants. These contracts are attached.

The attachments provided in response  
to this request have been submitted pursuant  
to a Request for Confidential Classification

Staff's First Request for Production of Documents  
Docket No.: 050001-EI  
GULF POWER COMPANY  
October 06, 2005  
Item No. 12  
Page 1 of 4

12. Please provide the requests for proposals that Gulf Power has issued, and the responses received, that resulted in Gulf Power entering into the contracts referenced in Request for Production of Documents Nos. 8-11.

ANSWER:

1  
2  
3  
4  
5  
6  
7  
8



## EXHIBIT C

### **Line-by-Line/Field-by-Field Justification**

#### **Line(s)/Field(s)**

Item Number 5

Pages 2 through 129, including all text, tables charts and graphs.

#### **Justification**

This information is entitled to confidential classification pursuant to §366.093(3) (a) and (e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 2.

Item Number 7

Pages 2 through 18, including all text, tables charts and graphs.

This information is entitled to confidential classification pursuant to §366.093(3) (a), (d) and (e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 3.

Item Number 8

Pages 2 through 78, including all text, tables charts and graphs.

This information is entitled to confidential classification pursuant to §366.093(3) (d) and (e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 4.

Item Number 12

Page 1, lines 1-8

Pages 2 through 4, including all text, tables charts and graphs.

This information is entitled to confidential classification pursuant to §366.093(3) (d) and (e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 5.



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power Cost )  
Recovery Clause with Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

Docket No. 050001-EI

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was furnished by hand delivery or the U. S. Mail this 20th day of October 2005 on the following:

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

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

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

Norman H. Horton, Jr., Esquire  
Messer, Caparello & Self, P.A.  
P. O. Box 1876  
Tallahassee FL 32302-1876

Jon C. Moyle, Jr., Esquire  
The Perkins House  
118 N. Gadsden Street  
Tallahassee, FL 32301

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

Michael B. Twomey  
P. O. Box 5256  
Tallahassee FL 32314-5256

Timothy J. Perry, Esq.  
McWhirter Reeves  
117 S. Gadsden Street  
Tallahassee FL 32301

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

John W. McWhirter, Jr., Esq.  
McWhirter Reeves  
400 N Tampa St Suite 2450  
Tampa FL 33602

Adrienne Vining, Esquire  
FL Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0863

Robert Scheffel Wright, Esquire  
John Thomas LaVia, III, Esquire  
310 West College Avenue  
Tallahassee, FL 32301

Lt. Colonel Karen White  
Major Craig Paulson  
AFCESA/ULT  
139 Barnes Drive  
Tyndall Air Force Base FL 32403



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