

ORIGINAL

Marguerite Lockard

From: Marguerite Lockard
Sent: Wednesday, May 03, 2006 3:52 PM
To: Mary Anne Helton; Lisa Bennett
Cc: Pete Lester; Kay Flynn; Rick Melson; Bill McNulty
Subject: RE: Confidentiality Filings in Docket No. 060001-EI

Ok, per this e-mail, I will declassify and place in the public docket file pending documents 01777-06, 01778-06, 01779-06, 01780-06, and 02003-06 that have been held in confidential lock-up.

Thanks.

-----Original Message-----

From: Mary Anne Helton
Sent: Wednesday, May 03, 2006 3:34 PM
To: Lisa Bennett; Marguerite Lockard
Cc: Pete Lester; Kay Flynn; Rick Melson; Bill McNulty
Subject: RE: Confidentiality Filings in Docket No. 060001-EI

CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
RCA _____
SCR _____
SGA _____
SEC 1
OTH Marguerite

Lisa, Thank you for confirming the documents that can be declassified.

Marguerite, You can declassify the documents listed in your April 27 e-mail.

Mary Anne

-----Original Message-----

From: Lisa Bennett
Sent: Wednesday, May 03, 2006 1:36 PM
To: Mary Anne Helton
Subject: RE: Confidentiality Filings in Docket No. 060001-EI

Mary Anne,

On March 1, Gulf Power submitted direct testimony of H.R. Ball which testimony included Exhibit No. 1, and most particularly, Schedule 2. Subsequently, on March 7th, Gulf Power asked that Schedule 2 of Exhibit 1 attached to the direct testimony of H.R. Ball be considered confidential. However in a letter dated April 24th, 2006, Gulf Power withdrew all Requests for Confidentiality as it relates to the direct testimony of H. R. Ball in Docket No. 060001-EI. Marguerite Lockard asked that we review a list of the documents she has held as confidential and confirm whether each document may be declassified and released to the public records.

I have reviewed the correspondence from Marguerite Lockard. Each of the documents listed is part of the direct testimony of H.R. Ball and accordingly, are no longer subject to a confidentiality request. They may now be declassified and placed in the public documents.

Specifically as follows:

03925 MAY-3 8

The letter from Gulf Power's Secretary/Treasurer Susan Ritenour dated March 7, 2006 requesting confidential classification of the direct testimony of H.R. Ball is our Document number 01777-06. That may be declassified

SC-COMMISSION CLERK

and placed in the public docket file.

The attachment to the testimony of H. R. Ball which is labeled Schedule 2 of Exhibit HRB-1 is our Document number 01778-06. This document may be declassified and placed in the public docket file.

Document 01779-06 is a redacted version of the above mentioned Schedule 2, which is part of the direct testimony of H.R. Ball. It may also be declassified and placed in the public docket file.

Document 01780-06 is the testimony of H.R. Ball, which includes the redacted exhibit and Schedule 2. That may also be declassified and placed in the public docket file.

Finally, the Document number 02003-06 is Exhibit A which is the Exhibit to testimony of H.R. Ball. It may be declassified and placed in the public docket file.

If you have any other questions, please do not hesitate to ask.

Lisa Bennett

-----Original Message-----

From: Mary Anne Helton
Sent: Tuesday, May 02, 2006 11:10 AM
To: Lisa Bennett; Pete Lester
Cc: Marguerite Lockard; Kay Flynn; Rick Melson; Bill McNulty
Subject: FW: Confidentiality Filings in Docket No. 060001-EI

Lisa and Pete, can you please confirm that these are the correct documents to be declassified.

Thanks, Mary Anne

-----Original Message-----

From: Marguerite Lockard
Sent: Thursday, April 27, 2006 4:38 PM
To: Mary Anne Helton
Cc: Kay Flynn; Rick Melson
Subject: FW: Confidentiality Filings in Docket No. 060001-EI

Mary Anne,

Per GPC's letter withdrawing it's requests for confidential classification (see att'd) rec'd. 4/25/06, I will declassify/place the following documents in the public docket file.

Please confirm as to this action.

Thanks,
Marguerite.

01777-06 - GPC (Ritenour) - Request for confidential classification of DN 01778-06. [CCA note: Attached redacted version not available in PDF format.] -(kept in confidential lock-up)
01778-06 - GPC (Ritenour) - (CONFIDENTIAL) Schedule 2 of Exhibit HRB-1 to testimony of Herbert R. Ball.

[See DN 02003-06]

01779-06 - GPC (Ritenour) - Redacted version of confidential DN 01778-06. [CCA note: Document not available in PDF format.] (kept in confidential lock-up)

01780-06 - GPC (Ritenour) - Prepared direct testimony of H.R. Ball, with redacted Exhibit HRB-1. [CCA note: Document not available in PDF format.] (kept in confidential lock-up)

02003-06 - GPC (Ritenour) - (CONFIDENTIAL) Exhibit "A", which is Exhibit HRB-1 to testimony of Herbert R. Ball, dated 3/1/06. [See DN 01778-06]

-----Original Message-----

From: Kay Flynn
Sent: Wednesday, April 26, 2006 8:35 AM
To: Mary Anne Helton
Cc: Marguerite Lockard
Subject: RE: Confidentiality Filings in Docket No. 060001-EI

thanks. We got it yesterday! We'll confirm with you the documents that should go back in the docket file (from confidential storage) before we actually move them anywhere....

-----Original Message-----

From: Mary Anne Helton
Sent: Tuesday, April 25, 2006 4:53 PM
To: Kay Flynn
Subject: FW: Confidentiality Filings in Docket No. 060001-EI

-----Original Message-----

From: Russell Badders [mailto:RAB@beggslane.com]
Sent: Monday, April 24, 2006 4:43 PM
To: Rick Melson
Cc: Jeffrey Stone; Mary Anne Helton
Subject: RE: Confidentiality Filings in Docket No. 060001-EI

Gulf will be withdrawing the request for confidential classification. I will confirm this with a letter. Thanks for your help on this matter.

Russell A. Badders

-----Original Message-----

From: Rick Melson [mailto:RMelson@PSC.STATE.FL.US]
Sent: Monday, April 24, 2006 3:26 PM
To: Russell Badders
Cc: Jeffrey Stone; Mary Anne Helton
Subject: FW: Confidentiality Filings in Docket No. 060001-EI
Importance: High

Second try -- this bounced back from the southernco.com addresses.

Rick

-----Original Message-----

From: Rick Melson
Sent: Monday, April 24, 2006 4:07 PM
To: rabadder@southernco.com
Cc: Mary Anne Helton; OR jas@beggslane.com
Subject: FW: Confidentiality Filings in Docket No. 060001-EI
Importance: High

Russell:

As you have been advised, the staff believes that the pending request for confidential classification of material in Exhibit HRB-1 to Mr.

Ball's prefiled testimony fails to provide sufficient justification for confidential treatment as required by Rule 25-22.006(4)(e), in that the request fails to explain why the previous inadvertant disclosure in a public filing does not disqualify the information from confidential treatment under Rule 25-22.006(4)(d) and applicable Commission precedent.

Unless you supplement the pending request with additional explanation by the close of business on Wednesday, April 26, staff intends to recommend to the prehearing officer that the request be denied.

If you have any questions, please contact me or Mary Anne Helton.

Thanks,
Rick Melson
(850) 413-7286

-----Original Message-----

From: Mary Anne Helton
Sent: Wednesday, April 19, 2006 5:29 PM
To: Kay Flynn
Cc: Marguerite Lockard; Rick Melson
Subject: RE: Confidentiality Filings

They haven't. I saw Russell today, and he is supposed to have someone call me by the end of this week.

-----Original Message-----

From: Kay Flynn
Sent: Wednesday, April 19, 2006 3:40 PM
To: Mary Anne Helton
Cc: Marguerite Lockard
Subject: RE: Confidentiality Filings

Mary Anne, as nearly as I can tell, it doesn't appear GPC filed anything on this matter.

Kay

-----Original Message-----

From: Mary Anne Helton
Sent: Wednesday, March 22, 2006 2:57 PM
To: Rick Melson
Cc: Blanca Bayo; Kay Flynn; Jennifer Rodan
Subject: RE: Confidentiality Filings

I talked to Russell after we got out of the meeting. I expect something fairly quickly from them.

-----Original Message-----

From: Rick Melson
Sent: Wednesday, March 22, 2006 2:39 PM
To: Mary Anne Helton; Patrick Wiggins
Cc: Blanca Bayo; Kay Flynn; Victor McKay
Subject: Confidentiality Filings

Per a discussion with Blanca and Kay, documents that were initially filed inadvertently without a claim/request for confidentiality by Protection Plus of the Florida Keys (Docket No. 060053-TX) and Gulf Power Company have been removed from the public files and placed in the confidential documents storage area for safekeeping. However, we will need to get the prehearing officer assigned to each case to make a formal ruling on the status of these documents.

Mary Anne: Please contact Jeff Stone or Russ Badders and ask them to file a supplement to their Request for Confidential Classification to explain why the initial public filing should not cause the documents to lose their protected status.

Patrick: Please contact the appropriate individual at Protection Plus and ask them to submit a formal Request for Confidential Classification (to supplement their earlier Claim of Confidentiality) that (a) appropriately justifies the reason the information is confidential and (b) explains why the initial public filing should not cause the documents to lose their protected status.

You should let the respective parties know that prior prehearing officer orders by former Commissioners Palecki and Davidson denied confidentiality in telecommunications cases on the grounds that an initial public filing destroyed any potential claim for confidential treatment.

Any questions, please let me know.

Thanks,
Rick