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COMMISSION
CLERK

DATE: January 17, 2007

TO: Martha Brown, Office of the General Counsel

FROM: Michael Haff, Division of Economic Regulation *MHA JMY RLT*

RE: Docket No. 060811-EI, Petition for Approval of Purchased Power Agreements between Gulf Power Company and Coral Power, L.L.C. and Gulf Power Company and Southern Power Company - Confidentiality Request - Document Nos. 11587-06 and 11590-06

On December 28, 2006, Gulf Power Company (Gulf) filed a Request for Confidential Classification of Document Nos. 11587-06 and 11590-06. The two documents consist of purchased power agreements with two independent power producers (IPPs), Southern Power Company and Coral Power, L.L.C., respectively. These two agreements resulted from Gulf's Request for Proposals (RFP). Gulf has treated these materials as private and confidential and has not publicly disclosed their contents.

A relatively small amount of the material contained in both documents, pertaining to detailed contract terms, bid information, and pricing, is the proprietary business information of Gulf as well as the IPPs that signed contracts with Gulf. Gulf asserts that it has a duty to keep the information confidential because the IPPs consider such information to be a trade secret. Section 366.093(3)(a), Florida Statutes, protects this type of information against disclosure. Further, public disclosure of such information could impair Gulf's ability to obtain competitive proposals in future RFPs. Section 366.093(3)(d), Florida Statutes, protects this type of information against disclosure. Finally, public disclosure would significantly impair the competitive business interests of the IPPs. Section 366.093(3)(e), Florida Statutes, protects this type of information against disclosure.

Staff has reviewed Document Nos. 11587-06 and 11590-06 and believes that the information is, in fact, what Gulf asserts it to be, that Gulf has provided enough details to perform a reasoned analysis of its Request for Confidential Classification, and that Gulf and its ratepayers might be harmed if the information is publicly disclosed. As a result, staff recommends that this information be afforded confidential treatment under Sections 366.093(3)(a), (d), and (e), Florida Statutes, for a period of eighteen months.

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 GA cc: Division of the Commission Clerk and Administrative Services
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