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September 27, 2013



Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0850

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COMMISSION  
CLERK

RE: Docket No. 130140-EI

Dear Ms. Cole:

Enclosed for filing in the above referenced docket is Gulf Power Company's Request for Confidential Classification pertaining to certain portions of Gulf's response to Staff's Second Request for Production of Documents to Gulf Power (Nos. 5-8). Enclosed is a copy of Gulf Power's Request for Confidential Classification and Exhibit "A" which is a justification for confidential treatment of the Confidential Information in Microsoft Word format as prepared on a Windows based system. A copy of the confidential documents are provided on a separate DVD labeled "Confidential."

Sincerely,

*Robert L. McGee, Jr.*  
Robert L. McGee, Jr.

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Enclosures

cc: Beggs & Lane  
Jeffrey A. Stone, Esq.  
Gunster Law Firm  
Charles A. Guyton, Esq.  
Richard A. Melson, Esq.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates  
by Gulf Power Company

Docket No.: 130140-EI  
Date: September 30, 2013

**GULF POWER COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Gulf Power Company ("Gulf Power" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain documents and information produced in response to Commission Staff's Second Request for Production of Documents to Gulf Power (Nos. 5-8) ("Staff's Discovery"). Confidential information submitted in response to Staff's Discovery has been segregated and placed upon the enclosed DVD bearing the label "CONFIDENTIAL" ("Confidential Information"). This DVD should be treated as confidential in its entirety.

**Description of the Document(s)**

The Confidential Information consists of numerous Excel files which support Gulf's E Schedules in this proceeding. This information is being produced in response to Document Request Nos. 5, 6 and 7. The responsive files are identified with specificity on Exhibit "A" to this Request. In support of this request, the Company states:

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be propriety confidential business information shall be kept confidential and shall be exempt from s. 119.07(1), Florida Statutes [requiring disclosure under the Public Records Act]." Proprietary confidential business information includes, but is not limited to "[i]nformation concerning . . . contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms."

Subsection 366.093(3)(d), Florida Statutes. Proprietary confidential business information also includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Section 366.093(3)(e), Florida Statutes. The Confidential Information that is the subject of this request and motion falls within the statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

2. Attached hereto as Exhibit "A" is a justification for confidential treatment of the Confidential Information.

3. Attached hereto as Exhibit "B" is a public version of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information is intended to be and is treated by Gulf Power as private and, to this attorney’s knowledge, has not been publicly disclosed.

5. For the same reasons set forth herein in support of its request for confidential classification, Gulf Power also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

**Requested Duration of Confidential Classification**

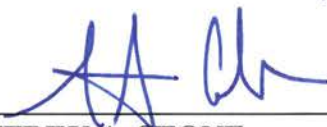
6. Gulf Power requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the Company is in need of confidential classification of the Confidential Information beyond the 18

month period set forth in the Commission rule, the justification and grounds for such extended confidential treatment are set forth in Exhibit "C" to this request and motion.

WHEREFORE, Gulf Power Company respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

DATED this 27<sup>th</sup> day of September, 2013.

Respectfully submitted,



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**RUSSELL A. BADDERS**  
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**EXHIBIT "A"**

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
PORTIONS OF GULF POWER'S RESPONSES TO STAFF'S  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 5-8)**

<u>POD Request No.</u>	<u>File Name</u>	<u>Detailed Description</u>	<u>Rationale</u>
5	B6, C4, E1,2,3,4,5,6,9,10,16,19 MDS_ENTIRE_CONF.xlsm	Confidential in its Entirety	(1)
	E-1,3,4,5,6,9,10 NON- MDS_ENTIRE_CONF.xlsm	Confidential in its Entirety	(1)
6	FPC2009-2014P-II_CONF.xlsx	All highlighted information	(2)
7	B2013 handbill customers billing components 2012-06-13 v2_CONF.xlsx	All highlighted information	(2)
	03 B2013 Com OS-II BB kWh, Rev, & Customers_CONF.xlsx	All highlighted information	(2)
	07 B2013 Ind OS-III kWh, Rev, & Customers_CONF.xlsx	All highlighted information	(2)
	B2013A outdoor lighting kWh -- growth rates_CONF.xls	All highlighted information	(2)
	B2013A Handbill model - module 1_CONF.xlsx	All highlighted information	(2)
	B2013A Handbill model - module 2_CONF.xlsx	All highlighted information	(2)
	B2013A Handbill model - module 3_CONF.xlsx	All highlighted information	(2)
	B2013A Handbill model - module 4_CONF.xlsx	All highlighted information	(2)
	B2013A Handbill model - module 5_CONF.xlsx	All highlighted information	(2)
	B2013A calculate SBS & CSA rates_CONF.xlsx	All highlighted information	(2)

- (1) This file includes a functioning electronic version of the model used to develop Gulf Power's cost of service study in this proceeding. While the outputs of the cost of service study are not themselves confidential, the functioning model and its underlying formulae are. The Southern Company and its affiliates have expended significant resources in developing the model for use in the course of business. The model has not been publicly disclosed, is of value to Gulf Power's and its affiliates' business and would provide an economic advantage to Gulf Power's competitors in the event of public disclosure. Public utilities within the State of Florida and across the United States regularly conduct cost of service studies in the course of business. In order to conduct such studies, utilities can develop their own cost of service model, purchase a model on the open market, or retain the services of a third party. Each alternative comes at significant cost. If Gulf Power's functioning model was publicly disclosed, competing utilities and third party vendors could utilize the model in their own businesses, resulting in significant cost savings at Gulf Power's expense. Moreover, the model not only determines the rates of return for the retail jurisdiction and retail tariffs, it also can infer the approximate rate of return for Gulf's wholesale customers. Disclosure of the model to Gulf's wholesale customers would impact Gulf Power's ability to conduct effective wholesale contract pricing. Enabling potential wholesale customers to employ the model to estimate Gulf's possible offer positions could weaken Gulf's competitive capability. Gulf's model is protected by copyright laws and international treaty provisions. For all of the foregoing reasons, the model is entitled to confidential classification pursuant to 366.093(3)(e), Florida Statutes.
  
- (2) These files includes commercial and industrial customer names, account numbers, consumption data and/or rate schedules under which such customers take service. The disclosure of this information could allow other customers to gain a competitive advantage over the identified customers by analyzing such data. As such, public disclosure of the information contained on these pages would adversely affect the competitive interests of the listed accounts and their ability to contract for goods and services on favorable terms. This information is competitively sensitive and confidential pursuant to section 366.093(3)(e), Florida Statutes. Moreover, Gulf has historically protected such information in recognition of its customers' expectations of privacy. Public disclosure of this information could provide wrongdoers with access to customer accounts and could potentially subject Gulf to lawsuits for wrongful disclosure of customer information. As recognized in Florida Power & Light v. Florida Public Service Commission, 31 So.3d 860 (Fla. 1<sup>st</sup> DCA 2010), the categories of confidential information referenced in section 366.093(3)(a)-(f), Florida Statutes, are not exclusive. The statute specifically provides that proprietary confidential business information "includes, but is not limited to" the information identified in subparts (a) through (f). § 366.093(3), Fla. Stat. While not specifically enumerated in the statute, the foregoing information constitutes proprietary confidential business information pursuant to section 366.093(3), Florida Statutes. See, Order No. PSC-09-0162-CFO (finding that customers' personally identifiable information qualifies as proprietary confidential business information under the statute).

**PUBLIC VERSION(S) OF THE DOCUMENT(S)**

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document(s) with the Confidential Information redacted.

Public Version(s) of the Document(s) attached     X    

Public Version(s) of the Document(s) previously filed on \_\_\_\_\_

**EXHIBIT "B"**

**PUBLIC VERSION(S) OF THE DOCUMENT(S)**

The files identified on Exhibit "A" to this request are considered confidential in their entirety.



## **EXHIBIT "C"**

### **REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

Gulf Power requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefor is set forth below:

n/a

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Increase in Rates )  
By Gulf Power Company )  
)

Docket No.: 130140-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by overnight mail this 27th day of September, 2013:

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