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September 22, 2016

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

RECEIVED-FPSC  
2016 SEP 23 AM 10:04  
COMMISSION CLERK

RE: Docket No. 160170-EI

Dear Ms. Stauffer:

Enclosed for filing in the above referenced docket is Gulf Power Company's Request for Confidential Classification and Motion for Temporary Protective Order pertaining to certain information being produced in response to the Office of Public Counsel's First Request to Produce Documents to Gulf Power Company. Also included is a DVD of Gulf Power Company's Request for Confidential Classification and Motion for Temporary Protective Order in Microsoft Word format.

Sincerely,

Robert L. McGee, Jr.  
Regulatory and Pricing Manager

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Enclosures

cc: Beggs & Lane  
Jeffrey A. Stone, Esq.

COM \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO cd only  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Approval of 2016 Depreciation and Dismantlement Studies, Approval of Proposed Depreciation Rates and Annual Dismantlement Accruals and Plant Smith Units 1 & 2 Regulatory Asset Amortization, by Gulf Power Company

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Docket No.: 160170-EI  
Date: September 23, 2016

**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 Citizens' First Request to Produce Documents to Gulf Power (Nos. 1-19) ("OPC's Discovery"). Confidential information submitted in response to OPC'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 a PDF file produced in response to Request No. 12. This document is 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" are two public versions 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 22<sup>nd</sup> day of September, 2016.

Respectfully submitted,



**JEFFREY A. STONE**

Florida Bar No. 325953

**RUSSELL A. BADDERS**

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**STEVEN R. GRIFFIN**

Florida Bar No. 0627569

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**Attorneys for Gulf Power Company**

**EXHIBIT "A"**

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
PORTIONS OF GULF POWER'S RESPONSES TO OPC'S  
FIRST REQUEST TO PRODUCE DOCUMENTS (NOS. 1-19)**

<u>POD Request No.</u>	<u>Bates Pages/File Name</u>	<u>Detailed Description</u>	<u>Rationale</u>
12	"OPC_POD_012_CONF"	Confidential in its entirety	(1)

- 
- (1) The information contained in the listed file consists of warranty provisions and related terms from a negotiated agreement between Gulf's agent and Sensus USA, Inc. for the provision of AMI metering infrastructure. This information is competitively sensitive insofar as public disclosure could impair Gulf's negotiating position in future contracts for similar products. Specifically, counterparties could view this negotiated result as a starting point in future negotiations. This, in turn, would impact Gulf's ability to contract for goods on the most favorable terms for the benefit of its customers. This information is therefore confidential pursuant to section 366.093(3) (d)-(e), Florida Statutes.

**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 \_\_\_\_\_

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

Document(s) are confidential in its entirety   X

**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 approval of 2016 depreciation and  
dismantlement studies, approval of proposed  
depreciation rates and annual dismantlement  
accruals and Plant Smith Units 1 and 2 regulatory  
asset amortization, by Gulf Power Company** )  
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Docket No.: **160170-EI**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was furnished by overnight mail this 22nd day of September, 2016 to the following:

Office of Public Counsel  
J. R. Kelly/Stephanie Morse  
Public Counsel  
c/o The Florida Legislature  
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