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November 23, 2016

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

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COMMISSION
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RE: Docket No. 160186-EI

Dear Ms. Stauffer:

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 First Request for Production of Documents to Gulf Power Company (Nos. 1-7). Also 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. A copy of the confidential documents are provided on a separate DVD labeled "Confidential."

Sincerely,


Robert L. McGee, Jr.
Regulatory and Pricing Manager

md

Enclosures

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

REDACTED

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for rate increase by Gulf
Power Company.

Docket No. 160186-EI
Dated: November 28, 2016

**GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Gulf Power Company ("Gulf Power," "Gulf," 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 Staff's First Request for Production of Documents to Gulf Power Company (Nos. 1-7) ("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 multiple Excel spreadsheets produced in response to Document Requests Nos. 1 and 7. These documents 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 proprietary 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.

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.

DATED this 23rd day of November, 2016.

Respectfully submitted,



JEFFREY A. STONE

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RUSSELL A. BADDERS

Florida Bar No. 007455

STEVEN R. GRIFFIN

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Attorneys for Gulf Power Company

EXHIBIT "A"

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
HIGHLIGHTED PORTIONS OF GULF POWER'S RESPONSES
TO STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-7)**

<u>POD Request No.</u>	<u>Bates Pages or File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
1	B2016A Handbill model – module 1 2015-11-04	Functioning Models are confidential in their entirety.	1
	B2016A Handbill model – module 2 2015-11-04		1
	B2016A Handbill model – module 3 2015-11-04		1
	B2016A Handbill model – module 4 2015-11-04		1
	B2016A Handbill model – module 5 2015-11-04		1
	B2016A large commercial customer forecast model West		1
	B2016HandBillCustomerComponent_updated_formatted for HB 2015-07-06	Inputs to functioning models are confidential in their entirety.	1
7	B2017 Handbill Billing Determinants	Inputs to functioning models are confidential in their entirety.	1
	Gains Template to Field B2017 Industrial – East –v2		1
	B2017 Handbill model – module 1 2016-06-27	Functioning Models are confidential in their entirety.	1
	B2017 Handbill model – module 2 2016-07-07		1
	B2017 Handbill model – module 3 2016-07-07		1
	B2017 Handbill model – module 4 2016-08-11		1
	B2017 Handbill model – module 5 2016-08-11		1
	B2017 Industrial Customer Forecast Model – West –v3		1
B2017 MB & HB Ind & Lg Com with bill det 2016-08-23	1		

-
- (1) The information identified on the listed pages/files contains information regarding Gulf's large commercial and industrial customers. This information includes names and identifying information, account information, and historical and projected energy and demand. The public disclosure of this information could allow other commercial and industrial 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 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. 1st 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.: 160186-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by overnight mail this 23rd day of November, 2016 to the following:

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