

(undocketed)

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November 9, 2000

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00 NOV 13 AM 10:30  
RECORDS AND REPORTING

**BY HAND DELIVERY**

Hon. Magalie Roman Salas  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Florida Cable Telecommunications Association, Inc., et al. v. Gulf Power Co.,  
P.A. No 00-004**

Dear Ms. Salas:

We are counsel for the Florida Cable Telecommunications Association, Inc. ("FCTA") and Cox Communications Gulf Coast, L.L.C. ("Cox") and hereby submit this letter on their behalf. This letter serves to update the Commission concerning a recent development in the matter of *Florida Cable Telecommunications Ass'n, Inc., et al. v. Gulf Power Company*, P.A. No. 00-004. Enclosed please find a copy of a letter dated September 14, 2000, from the General Counsel of the Federal Energy Regulatory Commission ("FERC") denying Gulf Power Company's ("Gulf Power") request for confidential treatment for its FERC Form 1 information.<sup>1</sup>

In the pole attachment complaint proceeding brought by FCTA and Cox and filed with the Cable Services Bureau ("Bureau") on July 10, 2000, Gulf Power requested that the Bureau grant confidential treatment to information contained in the FERC Form 1 filing. See Gulf Power Motion for Confidential Treatment of Commercial and Financial Information (filed August 9, 2000). Gulf Power relied on its pending request at the FERC as the basis for confidential treatment of this information in FCTA and Cox's pole complaint. See *id.* at 2-5. The Bureau has not yet acted upon Gulf Power's request for confidential treatment.

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR Kummer
- LEG \_\_\_\_\_
- OPC \_\_\_\_\_
- IPAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC \_\_\_\_\_
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

<sup>1</sup> On May 2, 2000, Gulf Power requested that the FERC accord the utility's Form 1 information confidential treatment.

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As evidenced by the enclosed letter, Gulf Power is not entitled to any confidential treatment of its FERC Form 1 information. As FERC's General Counsel stated in denying Gulf Power's request,

[T]he Commission does not consider the Form 1 information confidential.

\* \* \*

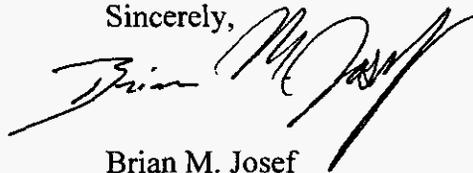
... Specifically, access to this type of information by the public helps in monitoring for possible abuses of market power and ensuring that rates are just, reasonable and not unduly discriminatory or preferential. The needs of the Commission and the public for accurate, timely data in a useable format—which Form 1 provides—outweigh any potential harm that might result from data disclosure.

Letter from Douglas W. Smith, FERC General Counsel to Ronnie R. Labrato, Gulf Power Company, dated Sep. 14, 2000.

Given FERC's refusal to accord confidential treatment to Gulf Power's Form 1 information, the Commission may wish to review Gulf Power's request for confidential treatment and filing of a redacted version of Gulf Power's Response to FCTA and Cox's Complaint in the Commission's public files.

Thank you for your attention to this matter. Please do not hesitate to contact me at the above numbers if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian M. Josef", written in a cursive style.

Brian M. Josef

Enclosure

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICE OF THE GENERAL COUNSEL

SEP 14 2000

Mr. Ronnie R. Labrato  
Controller  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520

Re: Notice of Disclosure of Form 1 Information

Dear Mr. Labrato:

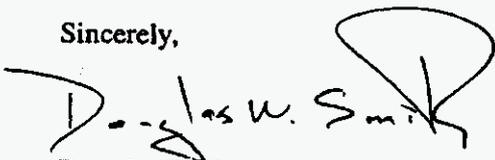
This letter responds to your May 2, 2000 request for privileged treatment for certain information in Gulf Power Company's 1999 Form 1 filing.

As stated on the form itself, the Commission does not consider the Form 1 information confidential. Other reporting companies routinely have been denied confidential treatment for Form 1. See PECO Energy Co., et al., 88 FERC ¶ 61,330 (1999).

The release of this information is necessary for the Commission to carry out its jurisdictional responsibilities. Among other things, the information is used by the Commission, electric energy and transmission customers, state regulators and others to evaluate the reasonableness of rates subject to the Commission's jurisdiction and the operation of wholesale power markets. Specifically, access to this type of information by the public helps in monitoring for possible abuses of market power and ensuring that rates are just, reasonable and not unduly discriminatory or preferential. The needs of the Commission and the public for accurate, timely data in a useable format—which Form 1 provides—outweigh any potential harm that might result from data disclosure.

Pursuant to 18 C.F.R. § 388.112(c)(1)(i), the Commission intends to make public the Gulf Power Company 1999 Form 1, including the information for which privileged treatment was sought. This letter constitutes notice pursuant to 18 C.F.R. § 388.112(e) that the Commission will release copies of the Gulf Power Company 1999 Form 1 to the public no less than five days from the date of this letter.

Sincerely,

  
Douglas W. Smith  
General Counsel

000921.0323.1

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## CERTIFICATE OF SERVICE

I, Elinor W. McCormick, hereby certify that on this 9th day of November, 2000, I caused a copy of the foregoing Letter, to be sent via FedEx(\*), hand delivery(\*\*), or regular mail to the following:

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445 12<sup>th</sup> Street, N.W.  
Washington, DC 20554

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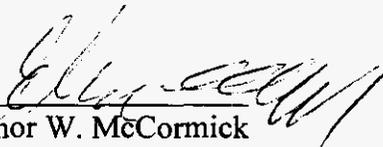
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Elinor W. McCormick