

One Energy Place
Pensacola, Florida 32520

850 444 6111



January 12, 2001

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0870

Dear Ms. Bayo:

RE: Docket No. 001217-EI

Enclosed are an original and fifteen copies of Gulf Power Company's Request for Confidential Classification to be filed in the above docket.

Also enclosed is a 3.5 inch double sided, high density diskette containing the Petition in WordPerfect for Windows 8.0 format as prepared on a Windows NT based computer.

Sincerely,

A handwritten signature in cursive script that reads "Susan D. Ritenour".

Susan D. Ritenour
Assistant Secretary and Assistant Treasurer

lw

cc: Beggs and Lane
Jeffrey A. Stone

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DOCUMENT NUMBER-DATE

00575 JAN 16 2001

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for authority to modify)
Commercial/Industrial Service Rider Pilot)
Study by Gulf Power Company)
_____)

Docket No. 001217-EI

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was furnished by hand delivery or the U. S. Mail this 12th day of January 2001 on the following:

John Roger Howe, Esquire
Office of Public Counsel
111 W. Madison St., Suite 812
Tallahassee FL 32399-1400



JEFFREY A. STONE
Florida Bar No. 325953
RUSSELL A. BADDERS
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P. O. Box 12950
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(850) 432-2451
Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for authority to modify)
Commercial/Industrial Service Rider Pilot)
Study by Gulf Power Company)
_____)

Docket No. 001217-EI
Date Filed: January 12, 2001

REQUEST FOR CONFIDENTIAL CLASSIFICATION

GULF POWER COMPANY ["Gulf Power", "Gulf", or "the Company"], by and through its undersigned attorney and pursuant to Rule 25-22.006, Florida Administrative Code, hereby hereby files a request that the Florida Public Service Commission enter an order protecting from public disclosure the Company's responses to data request numbered 1 through 5 of Commission Staff's Informal Data Request to Gulf Power Company (Nos. 1-6)¹. As grounds for this request, the Company states:

Notices and communications with respect to this petition should be addressed to:

Jeffrey A. Stone
Russell A. Badders
Beggs & Lane
P. O. Box 12950
Pensacola, FL 32576-2950

Susan D. Ritenour
Assistant Secretary and Assistant Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

1. Gulf's entire response to data request numbered 1 of Commission Staff's Informal Data Request to Gulf Power Company (Nos. 1-6) contains proprietary confidential business information regarding contractual data and competitive interests, the disclosure of which would

¹Gulf files this request to protect from public disclosure the confidential information provided pursuant to an informal data request from the Commission's staff. Commission Staff has indicated verbally that they intend to return the confidential information after the Commission Conference Agenda at which the Commission takes action on Gulf's petition in this docket. Staff's return of the confidential information will render this Request moot.

cause irreparable harm to Gulf Power Company and the entity with whom it has contracted. This information is entitled to confidential classification pursuant to §366.093(3)(d) and (e), Florida Statutes, as information, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf Power and the contracting entity as well as the ability of Gulf to enter into contracts on terms favorable to it and its ratepayers. The information for which confidential classification is sought is intended to be and is treated by Gulf Power Company and the contracting entity as private and is not otherwise publically available.

2. Gulf's entire response to data request numbered 2 and 3 of Commission Staff's Informal Data Request to Gulf Power Company (Nos. 1-6) contains proprietary confidential business information regarding contractual data and competitive interests, the disclosure of which would cause irreparable harm to Gulf Power Company and the entity with whom it has contracted. This information is entitled to confidential classification pursuant to §366.093(3)(d) and (e), Florida Statutes, as information, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf Power and the contracting entity as well as the ability of Gulf to enter into contracts on terms favorable to it and its ratepayers. The information for which confidential classification is sought is intended to be and is treated by Gulf Power Company and the contracting entity as private and is not otherwise publically available. The information provided contains details regarding the contracting entity's business that are considered by it to be extremely competitively sensitive and involves some level of trade secrets.

3. Gulf's entire response to data request numbered 4 and 5 of Commission Staff's Informal Data Request to Gulf Power Company (Nos. 1-6) contains proprietary confidential business information regarding contractual data, the disclosure of which would cause irreparable harm to Gulf Power Company and the entity with whom it has contracted. This information is

entitled to confidential classification pursuant to §366.093(3)(d), Florida Statutes, as information, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf Power and the contracting entity as well as the ability of Gulf to enter into contracts on terms favorable to it and its ratepayers. The information for which confidential classification is sought is intended to be and is treated by Gulf Power Company and the contracting entity as private and is not otherwise publically available. Gulf is bound by a non-disclosure provision with the contracting entity that prohibits public dissemination of the contents of said contract. Gulf Power Company requests that this information be granted confidential classification pursuant to Section 366.093(3)(d), Florida Statutes.

4. Submitted as Exhibit "A" is a copy of the responses to requests 1-5 of the Commission Staff's Informal Data Request to Gulf Power Company (Nos. 1-6) which has highlighted the information for which confidential classification is requested. Exhibit "A" should be treated as confidential pending a ruling on this request. Attached as Exhibit "B" are two (2) edited copies of the responses which may be made available for public review and inspection. Attached as Exhibit "C" to this request is a line-by-line or field-by-field justification for the request for confidential classification.

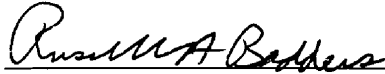
5. The material for which confidential classification is requested is intended to be, and is treated as confidential by Gulf Power Company and the entity with whom it has entered into a CSA and has not been otherwise publicly disclosed.

6. The information for which confidential classification is sought are contractual matters that by their own terms are to be held confidential for a period in excess eighteen months. Since the contracts and the provision therein are to be held confidential for a period in excess of eighteen months, Gulf asserts that based on the facts herein, that good cause has been shown to

allow this information to be granted confidential status for a period of 10 years, at the end of such time said confidential classification being subject to an extension for good cause shown.

WHEREFORE, Gulf Power Company respectfully requests that the Commission enter an order protecting the information highlighted on Exhibit "A" from public disclosure as proprietary confidential business information.

Respectfully submitted this 12 th day of January 2001,



JEFFREY A. STONE

Florida Bar No. 325953

RUSSELL A. BADDERS

Florida Bar No. 007455

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P. O. Box 12950

(700 Blount Building)

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(850) 432-2451

Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for authority to modify)
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REQUEST FOR CONFIDENTIAL CLASSIFICATION

EXHIBIT "A"

The information provided herein should be maintained as proprietary confidential business information pursuant to Section 366.093 and Rule 25-22.006, F.A.C.

EXHIBIT "A"

Provided to the Division of Records and Reporting
under separate cover as confidential information

EXHIBIT "B"

Informal Data Request 1

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 2

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 3

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 4

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 5

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 1

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 2

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 3

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 4

Response has been provided pursuant
to a request for confidential classification

Informal Data Request 5

Response has been provided pursuant
to a request for confidential classification

EXHIBIT "C"

*The information provided is in the form of contracts and other documents with explanation provided where necessary. The nature of the responses provided with regard to format and volume make it difficult, if not nearly impossible, to perform a line-by-line highlighting or redacting. The confidential information with the accompanying justification for confidentiality can be readily identified using the following table. The following is offered to meet the intent of the confidentiality statute and the Commission's rules implementing that statute.

<u>Document Page/Line(s)</u>	<u>Justification</u>
Data Request 1 Response All Pages, All lines	This response contains proprietary confidential business information regarding contractual data and competitive interests, the disclosure of which would cause irreparable harm to Gulf Power Company and the entity with whom it has contracted. This information is entitled to confidential classification pursuant to §366.093(3)(d) and (e), Florida Statutes, as information, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf Power and the contracting entity as well as the ability of Gulf to enter into contracts on terms favorable to it and its ratepayers. Specifically, the response provides copies of the contracts entered into between Gulf and CSA parties. The contents of the contract as well as the name of the entity with whom Gulf has contracted are regarded by both Gulf and the CSA party as extremely confidential. The Commission recognized the need for confidentiality in these matters at the time that the Commercial/Industrial Service Rider Pilot Study was granted approval.

Data Request 2 and 3 Responses
All Pages and All Lines

These two responses contain proprietary confidential business information regarding contractual data and competitive interests, the disclosure of which would cause irreparable harm to Gulf Power Company and the entity with whom it has contracted. This information is entitled to confidential classification pursuant to §366.093(3)(d) and (e), Florida Statutes, as information, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf Power and the contracting entity as well as the ability of Gulf to enter into contracts on terms favorable to it and its ratepayers. The information for which confidential classification is sought is intended to be and is treated by Gulf Power Company and the contracting entity as private and is not otherwise publically available. The information provided contains customer specific details that are considered by the customer to be extremely competitively sensitive and reveals information that is in the nature of trade secrets of that customer.

Data Request 4 and 5 Responses
All Pages and All Lines

These two responses contain proprietary confidential business information regarding contractual data, the disclosure of which would cause irreparable harm to Gulf Power Company and the entity with whom it has contracted. This information is entitled to confidential classification pursuant to §366.093(3)(d), Florida Statutes, as information, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf Power and the contracting entity as well as the ability of Gulf to enter into contracts on terms favorable to it and its ratepayers. The information for which confidential classification is sought is intended to be and is treated by Gulf Power Company and the contracting entity as private and is not otherwise publically available. Gulf is bound by a non-disclosure provision with the contracting entity that prohibits public dissemination of the specific provisions that may or may not be a part of the contracts between Gulf and the customer. Gulf Power Company requests that this information be granted confidential classification pursuant to Section 366.093(3)(d), Florida Statutes.