

One Energy Place  
Pensacola, Florida 32520

Tel 850.444.6111



August 24, 2001

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0870

Dear Ms. Bayo:

RE: Docket No. 010827-EI

Enclosed is Gulf Power Company's Request for Confidential Classification for certain portions of the Company's response to request number 20 of Staff's Second Request for Production of Documents, Nos. 16-20, in the above docket.

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, Esquire

DOCUMENT NUMBER-DATE  
10582 AUG 27 01  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Gulf Power Company's petition for )  
approval of purchased power arrangement ) Docket No.: 010827-EI  
regarding Smith Unit 3 for cost recovery ) Date Filed: August 27, 2001  
through recovery clauses dealing with )  
purchased capacity and purchased energy. )  
\_\_\_\_\_ )

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

GULF POWER COMPANY ["Gulf Power", "Gulf", or the "Company"], by and through its undersigned attorneys and pursuant to Rule 25-22.006, Florida Administrative Code, hereby files a request that the Florida Public Service Commission enter an order protecting from public disclosure the Company's response to item 20 of Commission Staff's Second Request for Production of Documents to Gulf Power Company (Nos. 16-20). As grounds for this request, the Company states:

1. On August 8, 2001, Gulf submitted its response to items 16 and 20 of Commission Staff's Second Request for Production of Documents to Gulf Power Company (Nos. 16-20) under a Notice of Intent to Request Confidential Classification. Staff counsel has notified the Company that its response to item 16 will be returned and that no request for confidential classification will be necessary. At the same time, Staff counsel informed Gulf that Item 20 will be retained by Staff and Gulf, through its undersigned attorneys, hereby files a request for confidential classification for Item 20.

2. Certain specified portions of the information contained in Item 20 are entitled to confidential classification pursuant to §366.093(3)(a) and (e), Florida Statutes, as information,

the public disclosure of which would cause irreparable harm to the competitive interests of Gulf Power, Southern Power and Southern Company and would also reveal trade secrets to the public.

The information details discussions and actions by directors, management and employees of Gulf Power Company, Southern Company and Southern Power Company regarding business strategy and financial matters, including business strategy regarding financing of future business opportunities. This information is considered trade secret and is competitively sensitive. Public disclosure of this information would cause each of the previously mentioned entities to suffer adverse impacts in financial markets and other areas in which they must conduct their business. Competitors are able to utilize this type of information to further their own market position while at the same time undermining the market positions of each of these named entities. Making this information public would cause harm not only to those parties, but would also have an adverse impact on the competitive markets in which these companies operate because allowing a significant advantage to one participant in a competitive market over another market participant has the effect of stifling true, robust competition.

3. The information for which confidential classification is sought is intended to be and is treated by Gulf Power Company, Southern Company and Southern Power Company as private and is not otherwise publically available.

4. Submitted as Exhibit "A" is a copy of the response to Item 20, on which is 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 response, which may be made available for public review and inspection. Attached as Exhibit "C" to this request is a line-by-line/field-by-field justification for

the request for confidential classification.

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 24<sup>th</sup> day of August 2001,



**JEFFREY A. STONE**

Florida Bar No. 325953

**RUSSELL A. BADDERS**

Florida Bar No. 007455

**Beggs & Lane**

P. O. Box 12950

(700 Blount Building)

Pensacola, FL 32576-2950

(850) 432-2451

**Attorneys for Gulf Power Company**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Gulf Power Company's petition for )  
approval of purchased power arrangement )  
regarding Smith Unit 3 for cost recovery )  
through recovery clauses dealing with )  
purchased capacity and purchased energy. )  
\_\_\_\_\_ )

Docket No.: 010827-EI  
Date Filed: August 27, 2001

**EXHIBIT "A"**  
**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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.

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

20. Please provide copies of the meeting agendas and minutes for all meetings of the Board of Directors of Southern Company at which the following were discussed:
- a. Establishment or operation of Southern Power; and
  - b. The transfer of Smith Unit 3 from Gulf to Southern Power.

**ANSWER:**

The response has been provided pursuant to the notice of intent to request confidential classification filed on August 8, 2001.

EXHIBIT "B"

20. Please provide copies of the meeting agendas and minutes for all meetings of the Board of Directors of Southern Company at which the following were discussed:
- a. Establishment or operation of Southern Power; and
  - b. The transfer of Smith Unit 3 from Gulf to Southern Power.

**ANSWER:**

The response has been provided pursuant to the notice of intent to request confidential classification filed on August 8, 2001.



# SOUTHERN COMPANY

## Agenda Regular Meeting of Board of Directors Atlanta, Georgia

February 19, 2001

1. Roll Call:

Directors

D. P. Amos	L. G. Hardman, III
D. J. Bern	E. B. Harris
T. F. Chapman	D. M. James
A. W. Dahlberg	Z. T. Pate
H. A. Franklin	G. J. St. Pé
B. S. Gordon	

1  
2  
3  
4  
5  
6

[REDACTED]

[REDACTED]

SOUTHERN COMPANY

Minutes of  
Regular Meeting of Board of Directors  
Atlanta, Georgia

February 19, 2001

At 10:00 a.m., Eastern Standard Time, on the nineteenth day of February 2001, the board of directors of The Southern Company met at 270 Peachtree Street, Atlanta, Georgia pursuant to written notice.

The following directors were present or participated by telephone:

D. P. Amos	L. G. Hardman, III
D. J. Bern	E. B. Harris
T. F. Chapman	D. M. James
A. W. Dahlberg	Z. T. Pate
H. A. Franklin	G. J. St. Pé

constituting a quorum of the board.

Ms. S. Marce Fuller and Messrs. Gale E. Klappa, Stephen A. Wakefield, William L. Westbrook, Allen L. Leverett, and Tommy Chisholm, were present by invitation.

Mr. Dahlberg, Chairman of the Board and Chief Executive Officer, presided and Mr. Chisholm acted as secretary.

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

5

SOUTHERN COMPANY

Agenda  
Regular Meeting of Board of Directors  
Atlanta, Georgia

April 16, 2001

1. Roll Call:

Directors

D. P. Amos	L. G. Hardman, III
D. J. Bern	E. B. Harris
T. F. Chapman	D. M. James
H. A. Franklin	Z. T. Pate
B. S. Gordon	G. J. St. Pé

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1  
2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

[REDACTED]

23

[REDACTED]

24

[REDACTED]

25

[REDACTED]

26

[REDACTED]

27 sc.

[REDACTED]

28

[REDACTED]

29

[REDACTED]

30

[REDACTED]

31

[REDACTED]

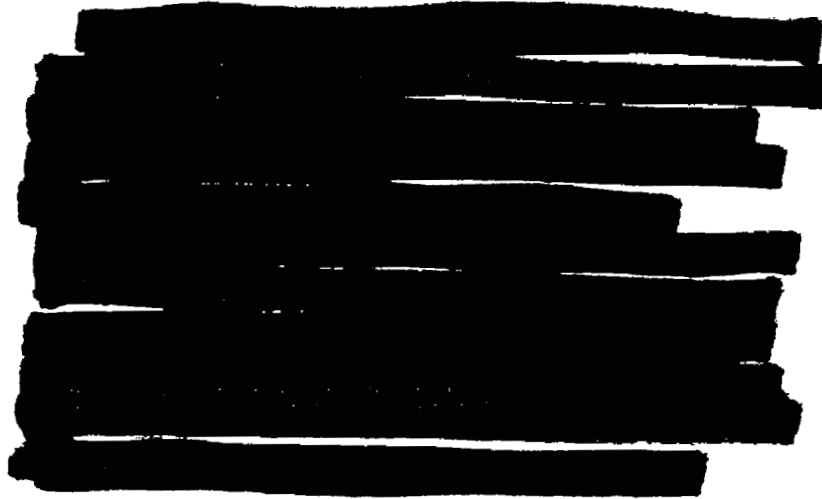
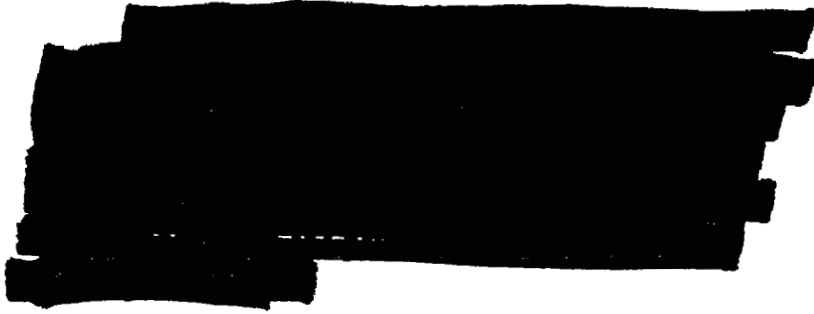
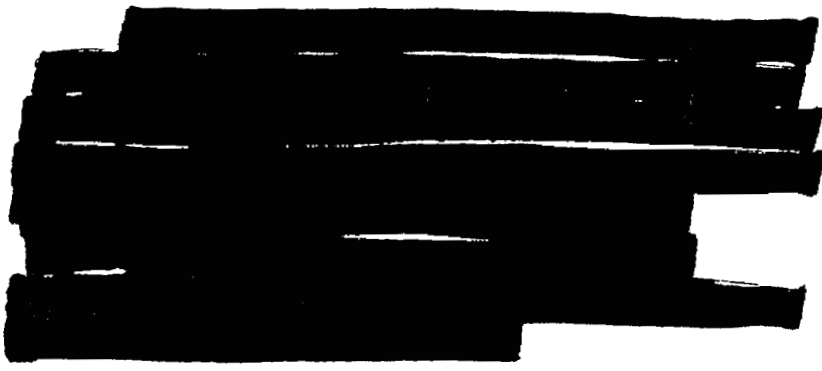
32

[REDACTED]





- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36



- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]



SOUTHERN COMPANY

Minutes of  
Regular Meeting of Board of Directors  
Atlanta, Georgia

April 16, 2001

At 10:00 a.m., Eastern Daylight Time, on the sixteenth day of April, 2001, the board of directors of The Southern Company met at 270 Peachtree Street, Atlanta, Georgia pursuant to written notice.

The following directors were present:

D. P. Amos	L. G. Hardman, III
D. J. Bern	E. B. Harris
T. F. Chapman	D. M. James
H. A. Franklin	Z. T. Pate
B. S. Gordon	G. J. St. Pé

constituting the entire board of directors.

Messrs. Tommy Chisholm, James C. Fleming, Gale E. Klappa, Allen L. Leverett, and Stephen A. Wakefield, were present by invitation.

Mr. Franklin, Chairman of the Board, President, and Chief Executive Officer, presided and Mr. Chisholm acted as secretary.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]
- 14 [REDACTED]
- 15 [REDACTED]
- 16 [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 [REDACTED]
- 26 [REDACTED]
- 27 [REDACTED]
- 28 [REDACTED]
- 29 [REDACTED]
- 30 [REDACTED]
- 31 [REDACTED]
- 32 [REDACTED]

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]
- 14 [REDACTED]
- 15 [REDACTED]
- 16 [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 [REDACTED]
- 26 [REDACTED]
- 27 [REDACTED]
- 28 [REDACTED]
- 29 [REDACTED]
- 30 [REDACTED]
- 31 [REDACTED]
- 32 [REDACTED]
- 33 [REDACTED]
- 34 [REDACTED]
- 35 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]

SOUTHERN COMPANY

Agenda  
Regular Meeting of Board of Directors  
Atlanta, Georgia

July 16, 2001

1. Roll Call:

Directors

D. P. Amos	L. G. Hardman, III
D. J. Bern	E. B. Harris
T. F. Chapman	D. M. James
H. A. Franklin	Z. T. Pate
B. S. Gordon	G. J. St. Pé



6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

5c.

[REDACTED]

■

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

[REDACTED]

11  
12  
13  
14  
15  
16

[REDACTED]

SOUTHERN COMPANY

Minutes of  
Regular Meeting of Board of Directors  
Atlanta, Georgia

July 16, 2001

At 9:40 a.m., Eastern Daylight Time, on the sixteenth day of July, 2001, the board of directors of The Southern Company met at 270 Peachtree Street, Atlanta, Georgia pursuant to written notice.

The following directors were present:

D. P. Amos	L. G. Hardman, III
D. J. Bern	E. B. Harris
T. F. Chapman	D. M. James
H. A. Franklin	Z. T. Pate
B. S. Gordon	

constituting a quorum of the board of directors.

Messrs. Tommy Chisholm, G. Edison Holland, Jr., Gale E. Klappa, and Allen L. Leverett were present by invitation.

Mr. Franklin, Chairman of the Board, President, and Chief Executive Officer, presided and Mr. Chisholm acted as secretary.

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]
- 14 [REDACTED]
- 15 [REDACTED]
- 16 [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 [REDACTED]
- 26 [REDACTED]

## EXHIBIT "C"

### **Line-by-Line/Field-by-Field Justification**

<b><u>Line(s)/Field(s)</u></b>	<b><u>Justification</u></b>
Page 2, Lines 1 - 6	
Page 4, Lines 1 - 18	
Page 5, Lines 1 - 7	
Page 7, Lines 1 - 14	
Page 8, Lines 1 - 32	
Page 9, Lines 1 - 36	
Page 10, Lines 1 - 13	
Page 12, Lines 1 - 23	
Page 13, Lines 1 - 32	
Page 14, Lines 1 - 35	
Page 15, Lines 1 - 8	
Page 17, Lines 1 - 10	
Page 18, Lines 1 - 16	
Page 20, Lines 1 - 26	

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Gulf Power Company's petition for approval of purchased power arrangement regarding Smith Unit 3 for cost recovery through recovery clauses dealing with purchased capacity and purchased energy )  
 ) Docket No.: 010827-EI  
 )  
 )  
 )  
 )  
 )  
 )

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished this 24<sup>th</sup> day of August 2001 by U.S. Mail or hand delivery to the following:

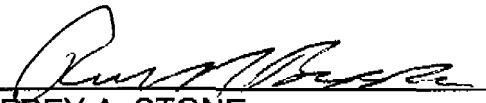
Marlene Stern, Esquire  
Staff Counsel  
FL Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0863

John W. McWhirter, Esquire  
McWhirter Reeves, P.A.  
400 N. Tampa St., Suite 2450  
Tampa FL 33602

Robert Vandiver, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., Room 812  
Tallahassee FL 32399-1400

Vicki Gordon Kaufman, Esquire  
McWhirter Reeves, P.A.  
117 S. Gadsden Street  
Tallahassee FL 32301

Ronald C. LaFace, Esquire  
Greenberg Traurig, P.A.  
P. O. Drawer 1838  
Tallahassee FL 32302

  
\_\_\_\_\_  
JEFFREY A. STONE  
Florida Bar No. 325953  
RUSSELL A. BADDERS  
Florida Bar No. 0007455  
Beggs & Lane  
P. O. Box 12950  
Pensacola FL 32576  
850 432-2451  
Attorneys for Gulf Power Company