



August 27, 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 are an original and fifteen copies of Gulf Power Company's Notice of Voluntary Dismissal and/or Withdrawal of Petition and Request for Immediate Return of Confidential Information Provided Pursuant to Discovery to be filed in the above docket.

Also enclosed is a 3.5 inch double sided, high density diskette containing the Notice and Request in Acrobat Adobe 4.0 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, Esquire

DOCUMENT NUMBER-DATE

10586 AUG 27 01

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition by Gulf Power Company 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

**GULF POWER COMPANY'S NOTICE OF VOLUNTARY DISMISSAL AND/OR WITHDRAWAL OF PETITION AND REQUEST FOR IMMEDIATE RETURN OF CONFIDENTIAL INFORMATION PROVIDED PURSUANT TO DISCOVERY**

Gulf Power Company, ("Gulf Power", "Gulf", or "the Company"), by and through its undersigned attorneys, and pursuant to Rule 1.420(a)(1) of the Florida Civil Rules of Procedure and Commission Order No. PSC-94-0310-FOF-EQ<sup>1</sup>, hereby voluntarily dismisses and/or withdraws its petition in this docket. Pursuant to Order No. PSC-01-1532-PCO-EI, any information provided pursuant to a discovery request for which proprietary confidential business information status has been requested shall be returned expeditiously to the person providing the information if no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in the proceeding. No confidentiality determination has been made and the information subject to pending requests for confidential business information status has not been made a part of the evidentiary record in this proceeding; therefore, Gulf Power requests the immediate return of the information provided pursuant to the Company's requests for confidential classification (or notices of intent) included but not limited to the following:

<u>Date filed</u>	<u>Document No.</u>	<u>Description</u>	<u>Request/Notice</u>
06/22/2001	07784-01	Power Purchase Agreement between Gulf Power and Southern Power regarding Smith Unit 3	DN 07783-01
06/29/2001	08090-01	Comparison of Purchase Power Arrangement and Rate Base Treatment of Smith CC Unit	DN 08089-01

<sup>1</sup> See also Order No. PSC-01-0082-FOF-EI and Order No. PSC-00-0817-PAA-EI.

<u>Date filed</u>	<u>Document No.</u>	<u>Description</u>	<u>Request/Notice</u>
07/02/2001	08116-01	Comparison of Purchase Power Arrangement and Rate Base Treatment of Smith CC Unit	DN 08115-01
07/19/2001	08809-01	Response to Staff's 1st set of interrogatories, Nos. 10 and 46 and Staff's 1st request for production of documents, Nos. 9 and 11	DN 08808-01
07/19/2001	08811-01	Response to Staff's 1st request for production of documents, Nos. 10 and 15	DN 08810-01
08/08/2001	09613-01	Response to Item 15 of Staff's 1 <sup>st</sup> request for production of documents	DN 09612-01
08/09/2001	09677-01	Response to certain portion of Staff's request for production of documents, Nos. 16 and 20	DN 09676-01
08/09/2001	09679-01	Responses to certain portions of Staff's 2nd set of interrogatories, Nos. 53 and 57	DN 09678-01
08/22/2001	10378-01	Responses to Staff's 3rd set of interrogatories, Nos. 61-65	DN 10377-01
08/22/2001	10357-01	Excerpt from deposition of M. W. Howell, taken 8/15/01; includes 1 audiotape and stenographer's notes	DN pending (filed 08/27/2001)
08/22/2001	10358-01	Excerpt from deposition of Ronnie R. Labrato, taken 8/15/01; includes 1 audiotape and stenographer's notes	DN pending (filed 08/27/2001)
08/27/2001	pending	Certain portions of the transcripts of the depositions of M.W. Howell and R. R. Labrato taken on August 15, 2001	DN pending (filed 08/27/2001)

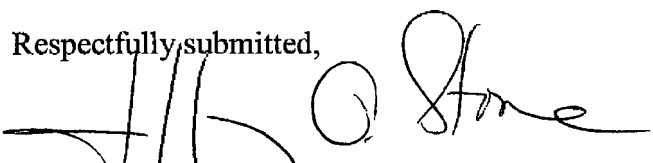
### **Motion for Protective Order**

Pursuant to Order No. PSC-01-1532-PCO-EI, the information identified in the above table shall be treated by the Commission and the parties as confidential. To the extent that a Motion for Protective Order is required, this request for immediate return of confidential information provided pursuant to discovery is to be construed as a request for a Protective Order.

The Commission is requested to direct the parties receiving confidential information during the course of discovery in this proceeding to immediately return all copies of such information to Gulf Power's attorneys; to destroy all materials derived from the confidential information supplied by Gulf during the course of discovery, such derivative material to include, without limitation, any and all notes, testimony or exhibits (including drafts), and any other derivative material of any description developed from the confidential information supplied by Gulf during the course of discovery and to certify that no copies of the confidential information or derivative material, electronic or otherwise, have been retained.

WHEREFORE Gulf Power Company requests entry of an order acknowledging the Company's voluntary dismissal of the petition filed in this proceeding; an order directing the return of confidential information provided pursuant to discovery, destruction of any derivative material and certification that no copies have been retained; and upon compliance with the order regarding disposition of confidential information provided pursuant to discovery, an order closing this docket.

Dated this 27<sup>th</sup> day of August, 2001.

Respectfully submitted,  


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**JEFFREY A. STONE**  
Florida Bar No. 325953  
**RUSSELL A. BADDERS**  
Florida Bar No. 007455  
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**Attorneys for Gulf Power Company**

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 )  
through recovery clauses dealing with )  
purchased capacity and purchased energy )  
\_\_\_\_\_ )

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished  
this 27<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  
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