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March 9, 2004

Ms. Blanca 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: Staff's First Data Request, Docket No. 031069-EI

Enclosed are an original and fifteen copies Gulf Power Company's Notice of Intent to Request Confidential Classification for the Company's responses data requests numbered 6 through 8 of Staff's First Data Request dated February 26, 2004.

Sincerely,

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

lw

cc: Beggs and Lane
Jeffrey A. Stone, Esquire
Florida Public Service Commission
Adrienne Vining, Senior Attorney
Office of Public Counsel

DOCUMENT NUMBER-DATE

03336 MAR 10 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Gulf Power Company's Petition)
for authority to implement proposed)
Military Base Facilities Charge rider.)
_____)

Docket No.: 031069-EI
Date Filed: March 9, 2004

NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

1. Notices and communications with respect to this Notice should be addressed to:

Jeffrey A. Stone, Esquire
Russell A. Badders, Esquire
Beggs & Lane
P. O. Box 12950
Pensacola, FL 32591

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

2. Gulf Power Company, by and through its undersigned attorney and pursuant to Rule 25-22.006, Florida Administrative Code, hereby gives notice that it intends to request confidential classification for Gulf Power Company's responses to data requests numbered 6 through 8 of Staff's Data Request (1-9) dated February 26, 2004, hereafter the "Responses". These Responses are being submitted to the Florida Public Service Commission Staff for their review in connection with Gulf Power Company's petition for authority to implement proposed Military Base Facilities Charge rider. A copy of the Responses is attached hereto as exhibit "A".

3. The Responses contain proprietary and commercially sensitive information regarding Gulf Power Company's ongoing contract negotiations with the Department of Defense regarding military base facilities privatization which if disclosed to the general public would cause irreparable harm to Gulf Power Company. Specifically, the


information being provided is the confidential methodology and actual contract terms associated with the proposed Military Base Facilities Charge rider. Public disclosure of the specific terms and methodology underlying those terms would give other potential bidders in the military utility privatization process a competitive advantage over Gulf power Company. Gulf Power Company does not have access to any similar information about other potential bidders. In addition, disclosing this information would also severely undermine Gulf Power Company's negotiating position with the Department of Defense which would severely harm Gulf Power Company's ability to secure terms favorable to itself or its ratepayers. Thus, Gulf Power Company asserts that this information is entitled to designation as confidential pursuant to Section 366.093(3)(a) and (e), Florida Statutes.

4. The Responses are also entitled to confidential classification as information concerning contractual data, the disclosure of which would impair the efforts of Gulf power Company to contract for goods or services on terms favorable to itself and its ratepayers. Section 366.093(3)(d), Florida Statutes, provides that such information is proprietary confidential business information to be afforded protection from public disclosure. For the reasons stated in paragraph 3 above, the public disclosure of the specific contractual terms and methodology of calculating those terms would result in irreparable harm to Gulf Power Company. Disclosure of this information would allow the other parties with whom Gulf is negotiating these potential contracts to have access to Gulf's internal calculations and the underlying business plan of Gulf Power Company related to these potential contracts.

5. A formal request for confidential classification will be filed within the time period specified in Rule 25-22.006(3)(a), Florida Administrative Code, if at the end of such time period the FPSC Staff determines that the information will be retained by the Commission and not returned to the Companies. In the event the Staff determines that it will retain this document, the Companies request to be notified, through the undersigned counsel, prior to the expiration of the period specified in Rule 25-22.006(3)(a).

6. The information filed pursuant to this Notice is intended to be, and is treated as, confidential by the Companies and has not been otherwise publicly disclosed.

Respectfully submitted this 9th day of March 2004,


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