

Susan D. Ritenour
Secretary and Treasurer
and Regulatory Manager

One Energy Place
Pensacola, Florida 32520-0781

Tel 850.444.6231
Fax 850.444.6026
SDRITENO@southernco.com



October 6, 2005

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. 050001-EI

Enclosed are an original and fifteen copies of Gulf Power's Request for Temporary Protective Order regarding Gulf's response to Citizens' Second Request for Production of Documents, Nos. 2-4 and 7-10, to be filed in the above referenced docket.

Sincerely,

Susan D. Ritenour (llw)

lw

cc: Beggs and Lane
Jeffrey A. Stone, Esquire

DOCUMENT NUMBER-DATE

09620 OCT-7 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power)
Cost Recovery Clauses and Generating)
Performance Incentive Factor)
)
)

Docket No. 050001-EI
Date: October 6, 2005

REQUEST FOR TEMPORARY PROTECTIVE ORDER

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 files a request that the Florida Public Service Commission enter a temporary protective order protecting from public disclosure Gulf Power Company's responses to request numbers 2-4 and 7-10 of Citizen's Second Request for Production of Documents (2-10). Gulf Power is providing the Office of Public Counsel (Public Counsel) access to certain of the responses by delivery of the responses through U.S. Mail. As grounds for this request, Gulf Power Company states:

1. Gulf Power Company has filed a petition for fuel and purchased power cost recovery in the above referenced docket. For purposes of discovery, the Public Counsel has propounded requests for production of documents, the responses to which will necessarily result in the disclosure of confidential information of the Company. In an attempt to provide the Public Counsel responses to their discovery requests in an expeditious manner, Gulf files this request to allow Public Counsel to inspect and possess this confidential information for the purpose of determining what information is to be used in the proceeding before the Commission in this docket pursuant to Florida Public Service Commission Rule 25-22.006(6)(c). In the event Public Counsel determines that portions of the confidential information will be used in the proceeding before the Commission, Gulf requests that it be so notified no later than 15 days prior to that proceeding to allow sufficient time in which to prepare and file a specific request for a protective order as provided by Rule 25-22.006(6)(c). In the event that Public Counsel does not use the information in the proceeding before the Commission, Gulf specifically requests that the information, and that which was derived therefrom, be either returned to Gulf or destroyed such

DOCUMENT NUMBER DATE

09620 OCT-7 '05

FPSC-COMMISSION CLERK

that it does not remain in the possession of any entity subject to section 119.07(1), Florida Statutes.

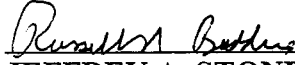
2. The responses to request for production of documents numbered 2-4 and 8-10 are entitled to confidential classification pursuant to §366.093(3)(e), Florida Statutes. The responses contain confidential proprietary business information relating to Gulf's budget which would cause irreparable harm to Gulf Power Company if such information was disclosed to the general public. The budget information provides specific budget dollar amounts, business plans, and performance goals for various organizations within Gulf. This type of information is considered competitively sensitive to Gulf and its competitors. Similar information is not available from Gulf's competitors. Disclosure of this information would adversely affect Gulf's ability to operate its system to the benefit of its customers and would impair the competitive business of Gulf.

3. The response to request for production of documents numbered 7 is entitled to confidential classification pursuant to §366.093(3)(e) and (f), Florida Statutes as proprietary confidential business information, the disclosure of which would impair the competitive business position of Gulf. The information provided in this response consists of the individual performance plans of the plant managers of Gulf's generating plants. This type of information is considered confidential by both the Company and the individual plant managers. These employees have an expectation that their performance plans will not be public record for other employees to review. Public disclosure of the individual performance plans would undermine the employee's ability to effectively perform their management responsibilities which in turn harms Gulf's competitive position. In addition, the performance plans contain information protected from public disclosure as employee personnel information protected by §366.093(3)(f).

4. The material for which confidential classification is requested is intended to be, and is treated as, confidential by Gulf Power Company and, to the best of the undersigned attorney's knowledge has not been otherwise publicly disclosed.

WHEREFORE, Gulf Power Company respectfully requests that the Commission enter a temporary protective order consistent with this request.

Respectfully submitted this 6th day of October 2005,

_____

JEFFREY A. STONE

Florida Bar No. 325953

RUSSELL A. BADDERS

Florida Bar No. 7455

STEVEN R. GRIFFIN

Florida Bar No. 0627569

Beggs & Lane

P. O. Box 12950

Pensacola, FL 32591

(850) 432-2451

Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power Cost)
Recovery Clause with Generating)
Performance Incentive Factor)
_____)

Docket No. 050001-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 6th day of October 2005 on the following:

Robert Vandiver, Esquire
Patricia Ann Christensen, Esquire
Office of Public Counsel
111 W. Madison St., Suite 812
Tallahassee FL 32399-1400

James McGee, Esquire
Progress Energy Service Co., LLC
P. O. Box 14042
St. Petersburg FL 33733-4042

John T. Butler, Esquire
Steel, Hector & Davis LLP
200 S. Biscayne Blvd, Ste 4000
Miami FL 33131-2398

Norman H. Horton, Jr., Esquire
Messer, Caparello & Self, P.A.
P. O. Box 1876
Tallahassee FL 32302-1876

Jon C. Moyle, Jr., Esquire
The Perkins House
118 N. Gadsden Street
Tallahassee, FL 32301

Gary V. Perko, Esquire
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314

Timothy J. Perry, Esq.
McWhirter Reeves
117 S. Gadsden Street
Tallahassee FL 32301

Lee L. Willis, Esquire
James D. Beasley, Esquire
Ausley & McMullen
P. O. Box 391
Tallahassee FL 32302

John W. McWhirter, Jr., Esq.
McWhirter Reeves
400 N Tampa St Suite 2450
Tampa FL 33602

Adrienne Vining, Esquire
FL Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0863

Robert Scheffel Wright, Esquire
John Thomas LaVia, III, Esquire
310 West College Avenue
Tallahassee, FL 32301

Lt. Colonel Karen White
Major Craig Paulson
AFCESA/ULT
139 Barnes Drive
Tyndall Air Force Base FL 32403



JEFFREY A. STONE
Florida Bar No. 325953
RUSSELL A. BADDERS
Florida Bar No. 0007455
STEVEN R. GRIFFIN
Florida Bar No. 0627569
BEGGS & LANE
P. O. Box 12950
Pensacola FL 32591-2950
(850) 432-2451
Attorneys for Gulf Power Company