

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 11, 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' Third Request for Production of Documents, No. 11, to be filed in the above referenced docket.

Sincerely,

Susan D. Ritenour

lw

cc: Beggs and Lane
Jeffrey A. Stone, Esquire

05 OCT 12 2005

SEARCHED INDEXED

DOCUMENT NUMBER-DATE

09787 OCT 12 '05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power)
Cost Recovery Clauses and Generating) Docket No. 050001-EI
Performance Incentive Factor) Date: October 11, 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 a portion of Gulf Power Company’s response to request numbered 11 of Citizen’s Third Request for Production of Documents (No. 11). Gulf Power is providing the Office of Public Counsel (Public Counsel) access to the response by delivery of the response 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

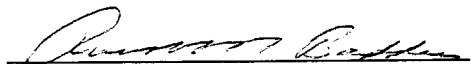
information, and that which was derived therefrom, be either returned to Gulf or destroyed such that it does not remain in the possession of any entity subject to section 119.07(1), Florida Statutes.

2. A portion of the response to request for production of documents numbered 11 is entitled to confidential classification pursuant to §366.093(3)(d) and (e). The portion of the response that is confidential is Gulf's responses to Staff's First Request for Production of Documents, Nos. 5, 7, 8 and 12. These responses contain confidential information that is the subject of a Notice of Intent to Request Confidential Classification filed on October 6, 2005. These items contain proprietary confidential business information regarding contractual matters which would cause irreparable harm to Gulf Power Company and the entities with whom it has entered into contracts if such information is disclosed to the general public. In addition, the response contains information relating to Gulf's competitive interests in fuel procurement markets which would cause irreparable harm to Gulf Power Company and the entity with whom it has contracted if such information is disclosed to the general public. Specifically, the response provides contracts and bid documents related to the procurement of fuel and fuel transportation.

3. 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 11th 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 11th 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, Caparelo & 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