

**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

RECEIVED-FPSC

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COMMISSION  
CLERK



May 12, 2009

Ms. Ann Cole, Commission Clerk  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0850

Dear Ms. Cole:

RE: Docket No. 090169-E1

Enclosed is an original and 5 copies of Gulf Power Company's Notice of Intent to Request Confidential Classification of portions of information contained in Gulf Power's response to Commission Staff's First Data request in the above-referenced docket.

Sincerely,

*Susan D. Ritenour (lw)*

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ECR \_\_\_\_\_  
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mv

Enclosures

cc w/encl.: Beggs & Lane  
Jeffrey A. Stone, Esq.

This docketed notice of intent was filed with Confidential Document No. 04638-09. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE

04637 MAY 13 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for Approval of Purchased  
Power Agreement between Gulf Power  
Company and Shell Energy North America  
(US), L.P., dated March 16, 2009**

**Docket No.: 090169-EI  
Date: May 12, 2009**

**NOTICE OF INTENT TO REQUEST 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 gives notice that it intends to request confidential classification of portions of information contained in Gulf Power's response to Commission Staff's First Data Request in the above-referenced docket.

1. On April 6, 2009, Gulf Power filed its Petition for Approval of a Purchased Power Agreement between Gulf Power Company and Shell Energy North America (US), L.P. On equal date therewith, Gulf Power filed a Request for Confidential Classification of certain information contained in the PPA. On May 1, 2009, the Commission entered an order granting Gulf Power's Request for Confidential Classification. See, PSC Order No. 09-294-CFO-EI.

2. On April 29, 2009, Commission Staff filed its First Data Request relating to the PPA. A portion of the information contained in Gulf Power's responses to requests numbered 15, 16, and 20 of Staff's First Data Request constitutes proprietary confidential business information in the form of (i) information concerning bids or other contractual data the disclosure of which would impair the efforts of Gulf Power to contract for goods and/or services on favorable terms, and (ii) information relating to competitive interests, the disclosure of which would impair the business of the provider of the information (collectively the "Confidential Information"). The Confidential Information is entitled to confidential classification pursuant to section 366.093(3)(a), (d) and (e), Florida Statutes. The Confidential Information generally consists of costing and financial data.

DOCUMENT NUMBER-DATE

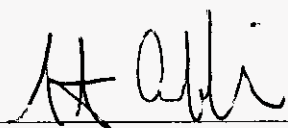
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FPSC-COMMISSION CLERK

Disclosure of this information would impair ability of Gulf Power, Shell and/or the owner of the generating facility to compete in the marketplace, and could negatively impact Gulf Power's ability to negotiate contract terms favorable to its customers in the future.

3. 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 the Staff determines that the information will be retained by the Commission and not returned to Gulf Power Company within the specified time period. In the event the Staff determines that it will retain this information, Gulf Power Company requests to be notified, through the undersigned counsel, prior to the expiration of the period specified in Rule 25-22.006(3)(a).

Respectfully submitted this 12<sup>th</sup> day of May, 2009.



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**JEFFREY A. STONE**  
Florida Bar No. 325953  
**RUSSELL A. BADDERS**  
Florida Bar No. 007455  
**STEVEN R. GRIFFIN**  
Florida Bar No. 0627569  
**Beggs & Lane**  
P. O. Box 12950  
501 Commendencia Street  
Pensacola, FL 32502  
(850) 432-2451

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Approval of Purchased Power )  
Agreement between Gulf Power Company )  
And Shell Energy North America (U.S.) LP )  
Dated March 16, 2009. )

Docket No.: 090169 - EI

**CERTIFICATE OF SERVICE**

12<sup>th</sup> I HEREBY CERTIFY that a true copy of the foregoing was furnished by U. S. mail this  
of May, 2009, on the following:

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

J. R. Kelly  
Office of Public Counsel  
111 W. Madison St., Suite 812  
Tallahassee FL 32399-1400

Anna R. Williams  
Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399



**JEFFREY A. STONE**

Florida Bar No. 325953

**RUSSELL A. BADDERS**

Florida Bar No. 007455

**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**

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE: May 13, 2009**

**TO: Susan D. Ritenour/GPC**

**FROM: Marguerite H. McLean, Office of Commission Clerk**

**RE: Acknowledgement of Receipt of Confidential Filing**

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number **090169-EI [DN 04638-09]** or, if filed in an undocketed matter, concerning **portions of information in response to staff's 1st data request, Nos. 15, 16, and 20,** and filed on behalf of **Gulf Power Company.** The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite McLean, Deputy Clerk, at (850) 413-6770.