

Marguerite McLean

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**From:** Ritenour, Susan D. [SDRITENO@southernco.com]  
**Sent:** Thursday, July 02, 2009 12:06 PM  
**To:** Matthew Carter  
**Cc:** Mary Bane; Blmhoff@psc.state.fl.us; Beth Salak; Lisa Harvey; Mary Anne Helton; Filings@psc.state.fl.us  
**Subject:** Letter from Gulf Power  
**Attachments:** July 2 letter.PDF



July 2  
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<<July 2 letter.PDF>> Please see the attached letter from Gulf Power.

A hard copy will follow by U. S. Mail.

Thank you,

Susan Ritenour

**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



July 2, 2009

Honorable Matthew M. Carter II, Chairman  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Staff Data Request to Gulf Power Company regarding Employee Compensation

Dear Chairman Carter:

This letter concerns a request for data regarding employee compensation submitted by the staff of the Florida Public Service Commission (Commission) to Gulf Power Company (Gulf Power or Gulf) under the cover of a letter dated June 19, 2009 from Beth Salak to Susan Ritenour. Staff's letter asked Gulf to provide its response by July 1, 2009. Gulf Power initially responded by letter dated June 29, 2009 stating that Gulf would not be able to provide data in response to the request by July 1, 2009 and requested that Gulf be allowed the amount of time that would normally be allowed a party to a docketed proceeding to respond to a discovery request. Staff responded by letter dated June 30, 2009 stating that, "[a]fter careful consideration staff cannot grant your request of a 30-day response period. The data request, as is, remains due July 1, 2009." Copies of all three letters are attached. Since staff has stated that it cannot grant Gulf's request, we are renewing Gulf's request to you as Chairman of the Commission and are hereby asking that you grant Gulf's request for adequate time in which to respond to the staff.

As stated in the attached letter sent to staff, the information requested is not readily available and requires a manual and very labor-intensive process to retrieve, compile and present specific information in response to the data request. Gulf personnel began the process of data retrieval on receipt of staff's request and expect to need at least two more weeks to complete the retrieval, compilation and review process currently underway. Gulf received staff's data request late on a Friday afternoon, and staff's proposed deadline allowed Gulf only part of eight workdays to retrieve and compile information in response to the request. Gulf further understands that similar data sought from at least two other utilities was subject to the normal 30 day time-frame allowed for responses to discovery requests and that a third utility receiving a similar request had recently retrieved and compiled related data in connection with discovery in its recent rate case docket. Gulf is not a party to any docketed matter related to the data request and was not on any kind of notice that it should expect such a request or that it would be expected to supply data in response to such a request on such an expeditious time schedule.

DOCUMENT NUMBER - DATE

06732 JUL -2 09

FPSC-COMMISSION CLERK

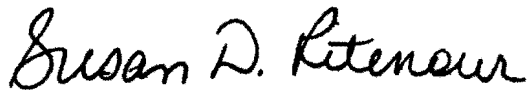
Honorable Matthew M. Carter II, Chairman  
Re: Staff Data Request to Gulf Power Company  
regarding Employee Compensation  
July 2, 2009  
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Staff's letters each acknowledge the possibility that some of the data to be supplied in response to staff's data request may be considered confidential. Towards that end, staff's initial letter stated that Gulf "... should follow the procedure outlined in *Chapter 25-22.006(3) and (5) Florida Administrative Code*" for any confidential portions of the data to be supplied in response to staff's request. Thus, in addition to the time needed to retrieve and compile the data, Gulf needs sufficient time in which to review the data for confidential material and to prepare such material for filing under the procedures cited above.

We appreciate your consideration of this request for adequate time in which to respond to the staff's data request. I will be happy to respond to any questions you may have with regard to Gulf's request.

Sincerely,



Susan D. Ritenour  
Secretary and Treasurer and Regulatory Manager

Attachments

cc: Mary Andrews Bane  
Patrick L. Imhof  
Beth Salak  
Lisa Harvey  
Mary Anne Helton  
Commission Clerk

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

STATE OF FLORIDA



CAPITAL CIRCLE OFFICE CENTER  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

## Public Service Commission

June 19, 2009

Susan Ritenour  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Dear Ms. Ritenour:

We are gathering information regarding employee compensation from Florida regulated utilities. Attached is a data request requesting the necessary information for your company. Please provide your response by July 1, 2009.

The details of providing this documentation, and any future document request responses, can be worked out with Lisa Harvey at (850)413-6806. Should the need arise to claim confidential treatment of material requested, please follow the procedure outlined in *Chapter 25-22.006 (3) and (5) Florida Administrative Code*.

I would like to thank you in advance for your cooperation toward the satisfactory and expeditious completion of this request. Should you have any question please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Salak".

Beth Salak, Director  
Division of Regulatory Compliance

LSH/tle

Attachment

Faxed or e-mailed to the utility on June 19, 2009.

1 For each employee of Gulf Power Company during 2008, 2009, and 2010, whose total compensation is \$165,000 or greater, please provide the actual or projected compensation amounts for the following:

- a. Name/Title
- b. Base Salary
- c. Overtime
- d. Bonuses
- e. Stock Awards
- f. Option Awards
- g. Non-Equity Incentive Plan Compensation
- h. All Other Compensation
- i. Total Compensation
- j. Amount of Total Compensation Allocated to Gulf Power Company

2 For each employee of the parent company of Gulf Power Company during 2008, 2009, and 2010, whose total compensation is \$165,000 or greater, please provide the actual or projected compensation amounts for the following:

- a. Name/Title
- b. Base Salary
- c. Overtime
- d. Bonuses
- e. Stock Awards
- f. Option Awards
- g. Non-Equity Incentive Plan Compensation
- h. All Other Compensation
- i. Total Compensation
- j. Amount of Total Compensation Allocated to the parent company of Gulf Power Company

3 For each director of the Gulf Power Company, during 2008, 2009, and 2010, please provide the actual or projected compensation amounts for the following:

- a. Name/Title
- b. Principal Business Affiliation
- c. Base Compensation
- d. Travel
- e. All Other Compensation
- f. Total Compensation
- g. Amount of Total Compensation Allocated to Gulf Power Company

- 4 For each director of the parent company of Gulf Power Company, during 2008, 2009, and 2010, please provide the actual or projected compensation amounts for the following:
- a. Name/Title
  - b. Principal Business Affiliation
  - c. Base Compensation
  - d. Travel
  - e. All Other Compensation
  - f. Total Compensation
  - g. Amount of Total Compensation Allocated to the parent company of Gulf Power Company



**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



June 29, 2009

Beth Salak, Director  
Division of Regulatory Compliance  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Dear Ms. Salak:

Re: Information Request Dated June 19, 2009

This is in response to your letter dated June 19, 2009 which accompanied a data request for certain employee compensation information from Gulf Power Company. Your letter requests that Gulf provide its response by July 1, 2009.

Since receiving your letter, personnel at both Gulf and Southern Company Services (SCS) have been working towards compliance with the data request. The nature of the request does not correspond with the manner in which this type of data is tracked or retained for internal purposes. As a result, Gulf and SCS personnel are engaged in a manual and very labor-intensive process to retrieve, compile and present specific information in response to the data request. Since the information as requested is not readily available, Gulf will be unable to provide the requested information by July 1, 2009 and therefore seeks an extension of time for supplying its response. Gulf understands that similar data sought from at least two other utilities was subject to the normal 30 day time-frame allowed for responses to discovery requests. Gulf respectfully requests that it also be allowed the normal discovery response time within which to provide a response. This would mean that Gulf's responses to the data request would be due on July 20, 2009.

Your letter of June 19 indicates that the details of providing the requested information and any future document request responses should be worked out with Lisa Harvey and goes on to remind us that, in the event that the need arises to claim confidential treatment of the information submitted in response to the data request, Gulf should "... follow the procedure outlined in *Chapter 25-22.006(3) and (5) Florida Administrative Code.*" Thus, in addition to the need for an extension of time to retrieve, compile and prepare the information in response to the data request, Gulf also needs to have sufficient time to comply with the stated procedures for those aspects of the information deemed confidential. Gulf asks that consideration be given to modifying the data request by eliminating the requests for specific names and titles of individuals covered by Information

Beth Salak, Director  
June 29, 2009  
Page Two

Requests 1, 2, 3 and 4 (i.e. eliminating subparts 1a, 2a, 3a and 4a). Such modification would facilitate Gulf's ability to complete its work to retrieve, compile and present data in response to the data request in the time frame ordinarily allowed for a discovery response. Gulf would be willing to provide access to this aspect of the requested information, which is considered competitively sensitive and confidential by Gulf and involves privacy considerations for the affected employees, under a process that protects the confidential and proprietary nature of the information. Gulf would make any confidential information available for Commission inspection at Gulf's offices.

Sincerely,

Handwritten signature of Susan D. Ritenour in cursive script.

lw

cc: Beggs and Lane  
Jeffrey A. Stone

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

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CAPITAL CIRCLE OFFICE CENTER  
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TALLAHASSEE, FL 32399-0850

## Public Service Commission

June 30, 2009

Susan D. Ritenour  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0781

Dear Ms. Ritenour:

Thank you for your letter of June 29, 2009 regarding the employee compensation data request. After careful consideration staff cannot grant your request of a 30-day response period. The data request, as is, remains due July 1, 2009.

If you believe this information is confidential, you may file your response to this request pursuant to Confidential Information, 25-22.006 F.A.C., and the Commission will consider your request. However, it is important that the entire response be filed with the Commission and not maintained in the local office.

If you have any further questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Salak".

Beth Salak, Director  
Division of Regulatory Compliance

LSH/tle

Attachment