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RECEIVED



April 23, 2010

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

RECEIVED-FPSC  
10 APR 26 PM 4:15  
COMMISSION  
CLERK

Dear Ms. Cole:

RE: Docket No. 100002-EG

Enclosed are an original and fifteen copies of Gulf Power Company's Request for Confidential Classification pertaining to Citizen's First Request for Production of Documents (No. 3).

Sincerely,

*Susan D. Ritenour*

vm

Enclosures

cc: Beggs & Lane  
Jeffrey A. Stone, Esq.

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Conservation Cost Recovery  
Clause

Docket No.: 100002-EG  
Date: April 23, 2010

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**REQUEST FOR 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 files a request that the Florida Public Service Commission enter an order protecting from public disclosure certain information submitted by Gulf Power in response to the Office of Public Counsel's ("OPC") First Request for Production of Documents to Gulf Power Company (Nos. 1-3). As grounds for this request, the Company states:

1. Because Gulf Power is producing copies of its response to OPC's document request to Commission Staff in accordance with the order establishing procedure in this docket, Gulf Power seeks to protect its confidential information using a request for confidential classification rather than a motion for a temporary protective order as provided in Rule 25-22.006(6)(c), Florida Administrative Code.

2. In response to request number three of OPC's document request, Gulf Power is producing a copy of a January 2010 Interim Project Report prepared by the Electric Power Research Institute ("EPRI"). The interim report reflects the preliminary results of a collaborative project between EPRI and a number of utility industry members which is intended to explore methods for improving the efficiency of electric transmission and distribution systems. The interim report has yet to be released publicly and is subject to a confidentiality agreement between EPRI and members of the collaborative. As such, the interim report constitutes proprietary confidential business information the disclosure of which would impair the efforts of Gulf Power to contract for goods and services on favorable terms and impair the

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FPSC-COMMISSION CLERK

Company's competitive business generally. Premature public disclosure of the interim report by Gulf Power in violation of its confidentiality obligations to EPRI could potentially result in Gulf's exclusion from similar research projects in the future, thereby depriving Gulf of commercially valuable technical information. The information is entitled to confidential classification pursuant to section 366.093(3) (d) and (e), Florida Statutes.

3. The information filed pursuant to this Request is intended to be, and is treated as, confidential by the Gulf Power and, to this attorney's knowledge, has not been otherwise publicly disclosed.

4. Submitted as Exhibit "A" is a copy of the confidential document. Exhibit "A" should be treated as confidential pending a ruling on this Request. Attached as Exhibit "B" is a cover sheet reflecting that the subject document is confidential in its entirety. Exhibit "B" may be made available for public review and inspection. Attached as Exhibit "C" to this request is a line-by-line/field-by-field justification for the request for confidential classification.

**WHEREFORE**, Gulf Power Company respectfully requests that the Commission enter an order protecting the information attached as Exhibit "A" from public disclosure as proprietary confidential business information.

Respectfully submitted this 23rd day of April, 2010.

  
\_\_\_\_\_  
**JEFFREY A. STONE**  
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Florida Bar No. 007455  
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**Attorneys for Gulf Power Company**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Conservation Cost Recovery  
Clause

Docket No.: 100002-EG  
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**EXHIBIT "A"**

Provided to the Commission Clerk  
under separate cover as confidential information

**EXHIBIT "B"**

This document is confidential in its entirety.

## EXHIBIT "C"

### Line-by-Line/Field-by-Field Justification

#### Line(s)/Field(s)

#### **Response to Request # 3**

This document is subject to a confidentiality agreement with EPRI and is therefore confidential in its entirety.

[Pages 546-650]

#### Justification

This information is entitled to confidential classification pursuant to §366.093(3) (d) and (e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 2.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: **Energy Conservation Cost Recovery** )

Docket No.: **100002-EG**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was furnished by U. S. mail this 23<sup>rd</sup> of April, 2010, on the following:

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BEN A. "STEVE" STEVENS III



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: April 26, 2010

TO: Susan Ritenour

FROM: Diamond Williams, 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 100002-EG or, if filed in an undocketed matter, concerning Citizen's First Request for Production of Documents (No. 3), 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 Kim Peña, Records Management Assistant, at (850) 413-6393.

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