

Diamond Williams

From: Milstead, Natalie [NBMILSTE@SOUTHERNCO.COM]
Sent: Wednesday, November 30, 2011 3:34 PM
To: Filings@psc.state.fl.us
Cc: Badders, Russell A. (Beggs & Lane); 'Jeffrey Stone'; Griffin, Steven R. (Beggs & Lane)
Subject: Gulf Power Company's Sixth Motion for Temporary Protective Order
Attachments: Gulf Power Company's Sixth Motion for Temporary Protective Order.pdf

- A. s/Susan D. Ritenour
Gulf Power Company
One Energy Place
Pensacola FL 32520
850.444.6231
sdriteno@southernco.com
- B. Docket No. 110138-EI
- C. Gulf Power Company
- D. Document consists of 6 pages
- E. The attached document is Gulf Power Company's Sixth Motion for Temporary Protective Order

11/30/2011

DOCUMENT NUMBER - DATE
08694 NOV 30 =
FPSC-COMMISSION CLERK

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November 30, 2011

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

RE: Docket No. 110138-EI

Dear Ms. Cole:

Attached is the Sixth Motion for Temporary Protective Order pertaining to Citizens' Seventh Request to Produce Documents (Nos. 152-162) to Gulf Power to be filed in the above referenced docket.

Sincerely,

Susan D. Ritenour

nm

Enclosures

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

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by Gulf
Power Company.

Docket No. 110138-EI
Dated: November 30, 2011

GULF POWER COMPANY'S
SIXTH MOTION FOR TEMPORARY PROTECTIVE ORDER

Gulf Power Company ("Gulf"), by and through undersigned counsel, hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, for entry of a Temporary Protective Order covering confidential documents and information sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

In its Seventh Request to Produce Documents (Nos. 152-162) dated October 31, 2011, OPC has requested the discovery of proprietary confidential business information as defined pursuant to section 366.093(3), Florida Statutes.

OPC's Seventh Request to Produce Documents

1. Gulf's responses to request numbers 163 and 164 contain non-public financial data concerning Gulf's regulated and unregulated affiliates. Such data includes operating expenses and revenues for Gulf's regulated and non-regulated affiliates. These expenses and revenues are not publicly disclosed. Public disclosure of this information could harm Gulf Power in that disclosure of the specified information would reveal confidential data regarding the operating expenses and revenues of certain affiliates of Gulf Power. Competitors of Gulf Power and Gulf Power's affiliates would thus be granted insight into non-public information regarding such affiliates and key details regarding the scope of their operations. Competitors of Gulf Power are not required to disclose similar operating expense and revenue data and to require Gulf Power to do so would put it at economic disadvantage and would give competitors insight

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into the affiliates' operations. Such disclosure could harm such affiliates, along with Southern Company, which would, in turn, have a deleterious effect on Gulf Power. Gulf Power has a competitive interest in ensuring that its affiliates are able to compete in the marketplace on a level playing field. Allowing competitors access to such information that would not otherwise be available would compromise Gulf Power's competitive interests. Disclosure of the information would also give competitors insight into the financial results of Gulf Power and its affiliates that is not otherwise available to the public. This information is confidential pursuant to section 366.093(3)(e), Florida Statutes.

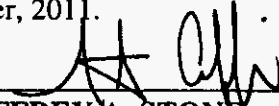
2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by OPC as confidential and shall be exempt from the public records law, section 119.07(1), Florida Statutes. Gulf, by this motion, is seeking protection of all confidential information that Gulf will produce to OPC in this matter pursuant to OPC's Seventh Request to Produce Documents. This protection should extend not only to OPC, but also to any consultants or advisors with whom OPC has contracted for purposes of this proceeding. Gulf has recorded the appropriate objections to providing such confidential, proprietary business information, and will provide documents and information responsive to these requests marked as confidential subject to this motion, the law, Commission rules, and Gulf's objections. By following this procedure and producing this information, Gulf is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed.

3. Confidential information contained in Gulf's response to OPC's Seventh Request to Produce Documents has been highlighted in yellow and will be provided on a separate DVD conspicuously labeled as "confidential."

Gulf requests that in connection with the entry of a temporary protective order, the Commission also request OPC to provide Gulf with notice of its intent to use such confidential information in connection with the hearing in this matter.

WHEREFORE, Gulf requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to information identified as confidential and produced in response to OPC's Seventh Request to Produce Documents, instructing OPC to continue to treat it as confidential, and requiring OPC to provide Gulf with notice of its intent to use such confidential information in connection with the hearing in accord with the prehearing order governing procedure.

Respectfully submitted this 30th day of November, 2011.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Increase in Rates)
by Gulf Power Company)
)
)
_____)

Docket No. 110138-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by electronic mail the 30th day of November, 2011, on the following:

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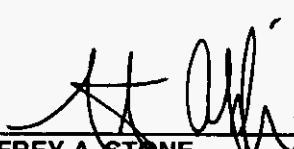
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