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September 11, 2013

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

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COMMISSION
CLERK

Dear Ms. Cole:

RE: Docket No. 130151-EI

Enclosed for filing in the above referenced docket is Gulf Power Company's Request for Confidential Classification pertaining to certain portions of Gulf's response to Citizen's First Request to Produce Documents (Nos. 1-33). Enclosed is a DVD containing a copy of Gulf Power's Request for Confidential Classification in Microsoft Word format as prepared on a Windows based system.

Sincerely,

Robert L. McGee, Jr.

md

Enclosures

cc: Beggs & Lane
Jeffrey A. Stone, Esq.
Gunster Law Firm
Charles A. Guyton, Esq.
Richard A. Melson, Esq.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: 2013 depreciation and dismantlement
study by Gulf Power Company

Docket No. 130151-EI
Date: September 12, 2013

**GULF POWER COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Gulf Power Company ("Gulf Power" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain documents and information produced in Response to Citizens' First Request to Produce Documents to Gulf Power (Nos. 1-33) in the above-referenced docket ("OPC's Discovery"). Confidential information submitted in response to OPC's Discovery has been segregated and placed within the enclosed envelope bearing the label "CONFIDENTIAL" ("Confidential Information"). This information should be treated as confidential in its entirety.

Description of the Document(s)

The Confidential Information consists of a contract between Gulf Power and NCM Demolition and Remediation, L.P. for demolition and removal of certain boiler units at Gulf Power's Crist Plant.

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be propriety confidential business information shall be kept confidential and shall be exempt from s. 119.07(1), Florida Statutes [requiring disclosure under the Public Records Act]." Proprietary confidential business information includes, but is not limited to "[i]nformation concerning . . . contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." Subsection 366.093(3)(d), Florida Statutes. Proprietary confidential business information also

includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Section 366.093(3)(e), Florida Statutes. The Confidential Information that is the subject of this request and motion falls within the statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

2. Attached hereto as Exhibit "A" is a justification for confidential treatment of the Confidential Information.

3. Attached hereto as Exhibit "B" are two public versions of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information is intended to be and is treated by Gulf Power as private and, to this attorney’s knowledge, has not been publicly disclosed.

5. For the same reasons set forth herein in support of its request for confidential classification, Gulf Power also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

Requested Duration of Confidential Classification

6. Gulf Power requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the Company is in need of confidential classification of the Confidential Information beyond the 18 month period set forth in the Commission rule, the justification and grounds for such extended confidential treatment are set forth in Exhibit "C" to this request and motion.

WHEREFORE, Gulf Power Company respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

DATED this 11th day of September, 2013.

Respectfully submitted,



JEFFREY A. STONE

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EXHIBIT "A"

**JUSTIFICATION FOR CONFIDENTIAL
TREATMENT OF GULF POWER'S RESPONSES
TO OPC'S FIRST REQUEST TO PRODUCE DOCUMENTS (NOS. 1-33)**

<u>POD Request No.</u>	<u>Bates Pages</u>	<u>Detailed Description</u>	<u>Rationale</u>
30	Bates Pages 48 through 279.	All information on the listed pages.	(1)

- (1) The information identified on the listed pages/files contains confidential pricing and non-price terms of a contractual agreement between Gulf Power and NCM Demolition and Remediation, L.P. The contract contains a broad non-disclosure provision and is regarded by both Gulf and the counterparty as confidential. The contract contains negotiated provisions and provisions which are standard to Gulf Power. Public disclosure of the negotiated provisions would harm the bargaining positions of both parties when contracting for similar projects with other parties in the future.

Public disclosure of Gulf Power's standard terms would also harm the Company's competitive interests. These standard terms are the product of years of market experience and the Company has invested substantial time and resources in developing and improving upon these terms over time. The terms are considered proprietary by Gulf Power and represent the Company's best practices. Public disclosure of this information would provide Gulf's competitors with access to valuable information which they, in turn, could use to optimize their own procurement practices at Gulf Power's expense. The disclosure of this information would therefore be harmful to Gulf's competitive interests, and as such, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

EXHIBIT "B"

Pages 48-279

Confidential in their entirety

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: 2013 depreciation and dismantlement) Docket No.: 130151-EI
Study by Gulf Power Company)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by overnight mail this 11th day of September, 2013 on the following:

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