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January 3, 2017

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

RE: Docket No. 160186-EI

Dear Ms. Stauffer:

Attached for filing in the above-referenced docket is Gulf Power Company's Motion for Temporary Protective Order pertaining to certain portions of Gulf's response to Citizens' Sixth Request to Produce Documents (Nos. 118-132) and Citizens' Sixth Set of Interrogatories (Nos. 162-188) to Gulf Power Company.

Sincerely,

A handwritten signature in blue ink that reads "Robert L. McGee, Jr." with a stylized flourish at the end.

Robert L. McGee, Jr.  
Regulatory and Pricing Manager

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**Attachments**

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 160186-EI  
Dated: January 3, 2017

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**GULF POWER COMPANY'S**  
**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") within OPC's Sixth Request for Production of Documents (Nos. 118-132) and Sixth Set of Interrogatories (Nos. 162-188). In support, Gulf states as follows:

1. This Motion pertains to certain proprietary confidential information as defined in Section 366.093, Florida Statutes, which is included within Gulf's Responses to OPC's Request for Production of Documents Nos. 124, 127, 129, and 131, and Gulf's Answer to OPC's Interrogatory No. 178, and which Gulf is serving upon OPC on the date of this Motion.

2. The confidential information responsive to OPC's Request for Production No. 124 is contained within PDF documents. The information within these documents and files contains confidential pricing and non-price information pertaining to contractual agreements between Gulf and various counterparties, and in particular, purchased power agreements. This information is regarded by both Gulf and the counterparties as confidential. The information, which resulted from negotiations with Gulf and the counterparties, is specific to individual contracts and is not publicly known. Disclosure of this information would negatively impact Gulf's ability to negotiate contract terms favorable to its customers in future contracts. Contractual negotiations invariably result in "give and take" both in terms of price and non-price

terms. If publicly disclosed, such terms could be viewed by other potential counterparties as a starting point rather than an ending point for negotiations. This is equally true with respect to active and expired contracts. Public disclosure of these negotiated terms could result in potential counterparties refusing to enter into contracts with Gulf, or charging higher prices. 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.

3. The confidential information contained within the documents and files responsive to OPC's Request for Production Nos. 127 and 129 contains PDF documents and Microsoft Excel spreadsheets. The information within these documents and files relates to Unit 3 at Plant Scherer, of which Gulf owns an interest. The confidential information includes detailed actual and projected operation and maintenance costs for Unit 3 and matters related thereto, including fuel, variable O&M, SO<sub>2</sub>, NO<sub>x</sub>, and fuel handling. It includes revenues, projections, models and other financial information, as well as capacity figures. It further includes detailed analysis (both internal and by outside consultants) of both financial and non-financial aspects, valuations of Unit 3 and its ownership interests, explanation of and strategies for marketing efforts, as well as various strategies for the operation and ownership of the unit, both actual and potential. Also, included within the documentation are various proposals to third parties for the sale of energy and capacity (long term and short term) from Gulf's portion of Unit 3. Among other things, public disclosure of any or all of the foregoing information would negatively impact Gulf's ability to negotiate contract terms favorable to its customers in future contracts. This information would provide third party market participants with detailed insight into Gulf's generation costs and strategies, which, in turn, would put Gulf and its customers at a competitive disadvantage

when negotiating for the purchase or sale of energy and/or capacity. In addition, potential counterparties may refuse to enter into contracts with Gulf, or may charge higher prices, if the information is publicly disclosed. 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.

4. The confidential information responsive to OPC's Interrogatory No. 178 is contained within a PDF document. The information within these documents and files contains allocation factors for Gulf's affiliate transactions. These factors could be used by competitors of Gulf to gain confidential details regarding Gulf's internal cost allocation methodologies. These methodologies have been developed over time and through the expenditure of significant resources. Access to such methodologies would bestow on competitors of Gulf an unfair advantage to the extent that such competitors would not similarly be required to expend such resources to develop similar methodologies. This would, in turn, confer an unfair advantage on such companies. In addition, access to the information would provide insight into the Gulf's costs, which could also undermine Gulf's position. Gulf's competitors are not similarly required to disclose such information and access to such cost information would harm Gulf and could result in competitors manipulating the market by artificially setting prices based on such information. This information is confidential pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

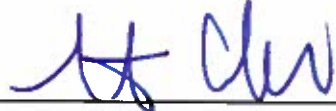
5. The confidential information responsive to OPC's Request for Production No. 131 is contained within a PDF document. The information within this document consists of internal policies and procedures of The Southern Company pertaining to aircraft usage. The document is considered proprietary by Gulf and The Southern Company and reflects the Company's best practices for managing aircraft utilization. These procedures have been

developed over time based on experience and the expenditure of Company resources. Moreover, the procedures address matters pertaining to the security of aircraft passengers and personnel. Public disclosure of these procedures would bestow on Gulf and The Southern Company's competitors an unfair advantage to the extent such competitors would not similarly be required to expend such resources to develop similar procedures. Disclosure could also potentially jeopardize security of passengers and personnel. This information is confidential pursuant to Section 366.093(3)(c) and (e), Florida Statutes. The Commission has previously recognized that Gulf's internal policies and procedures are entitled to confidential classification. *See, e.g.*, Order Nos. PSC-06-0427-CFO-EI and PSC-08-0048-CFO-EI.

6. 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 within its Response to OPC's Request for Production Nos. 124, 127, 129, and 131, and Answer to OPC Interrogatory Nos. 178. 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 and 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.

WHEREFORE, Gulf Power respectfully requests that the Commission grant a Temporary Protective Order relating to the information described in the body of this motion.

Respectfully submitted this 3rd day of January, 2017.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No.: 160186-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic mail this 3rd day of January, 2017 to the following:

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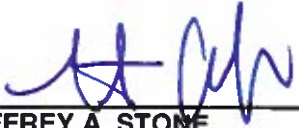
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