



Robert L. McGee, Jr.  
Regulatory and Pricing Manager

Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850  
Tallahassee, Florida

January 12, 2017

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

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COMMISSION CLERK

RE: Docket No. 160186-EI

Dear Ms. Stauffer:

Enclosed for filing in the above-referenced docket is Gulf Power Company's Request for Confidential Classification pertaining to certain portions of late-filed deposition exhibits for Gulf Witness Michael Burroughs. Also enclosed is a copy of Gulf Power's Request for Confidential Classification and Exhibit "A" which is a justification for confidential treatment of the Confidential Information in Microsoft Word format. A copy of the confidential documents are provided in the enclosed envelope labeled "Confidential".

Sincerely,

Robert L. McGee, Jr.  
Regulatory and Pricing Manager

md

Enclosure

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

**REDACTED**

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for rate increase by Gulf  
Power Company.

Docket No. 160186-EI  
Dated: January 13, 2017

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

Gulf Power Company ("Gulf Power," "Gulf," or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of portions of late-filed deposition exhibits (the "Late-Filed Exhibits" or "Exhibits") produced in response to requests at the deposition of Gulf witness Michael Burroughs, which took place on January 5, 2017. (the "Deposition"). Confidential information submitted within the Exhibits has been segregated and placed upon the enclosed envelope bearing the label "CONFIDENTIAL" ("Confidential Information"). These documents should be treated as confidential in their entirety.

**Description of the Document(s)**

The Confidential Information consists of documents produced in response to requests for the Late-Filed Exhibits at the Deposition. These documents are identified with specificity on Exhibit "A" to this Request. In support of this request, the Company states:

1. On January 5, 2017, pursuant to notice by the Office of Public Counsel ("OPC"), the Deposition of Gulf witness Michael Burroughs took place in Tallahassee, Florida.
2. During the Deposition, Mr. Burroughs was asked a number of questions. In response to certain questions, Mr. Burroughs and Gulf were requested to produce Late-Filed Exhibits to supplement his testimony and provide further documentation in support of his testimony.

3. As a result, Gulf agreed to provide and is now providing five Late-Filed Exhibits. Two of those Exhibits contain confidential information within their responses; specifically, Late-Filed Exhibits 3 and 5.

4. Subsection 366.093(1), Florida Statutes, provides that any records “found by the Commission to be proprietary 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.

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

6. Attached hereto as Exhibit "B" are public versions of the Document(s) with the Confidential Information redacted.

7. 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.

8. 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**

9. 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 12th day of January, 2017.

Respectfully submitted,



**JEFFREY A. STONE**

Florida Bar No. 325953

**RUSSELL A. BADDERS**

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**Attorneys for Gulf Power Company**

**EXHIBIT "A"**

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF PORTIONS OF CERTAIN  
LATE-FILED EXHIBITS PRODUCED IN RESPONSE TO THE  
DEPOSITION OF MICHAEL BURROUGHS**

<u>Depo. Exh. No.</u>	<u>Page Number</u>	<u>Detailed Description</u>	<u>Rationale</u>
3	Page 1 of 1	All highlighted information	(1)
5	Page 1 of 1	All highlighted information	(1)

- 
- (1) The information identified on the listed pages/file consists of confidential information regarding Gulf's potential land acquisition needs and strategies. Disclosure of this information could impair Gulf's ability to purchase or obtain land at fair and reasonable prices. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(3)(e), Florida Statutes.

**EXHIBIT "B"**

**PUBLIC VERSION(S) OF THE DOCUMENT(S)**

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document(s) with the Confidential Information redacted.

Public Version(s) of the Document(s) attached  \_\_\_\_\_

Public Version(s) of the Document(s) previously filed on \_\_\_\_\_

Document(s) are confidential in their entirety \_\_\_\_\_

**Request:** Documentation of any environmental analysis supporting the statement that 2,728 acres is the minimum acreage necessary to get a Consumptive Use Permit (CUP) for the North Escambia site.

**Response:** The following is a letter provided in support of the statement that 2,728 acres is the minimum acreage necessary to get a CUP for the North Escambia site.

Gulf Power conducted a preliminary evaluation of the North Escambia site groundwater pump test data, as well as hydrologic units beneath the site, to determine input parameters required to support a Northwest Florida Water Management District consumptive use permit. Several criteria are required for permit approval including 1) that the water proposed to be used will not significantly impact adjacent water users, and 2) the water use will not have a significant impact on the natural systems surrounding the site.

I have been modeling groundwater systems for the past 26 years with Southern Company and others. My professional opinion of the generation site is as follows:

Under normal conditions, the majority of the water required for generation will be pulled from the Escambia River. In addition to surface water withdrawals, the generating units will have daily water needs that require groundwater due to its water quality. During significant drought periods, additional groundwater withdrawals will be necessary to supplement surface water flows.

Based on the preliminary evaluation of the North Escambia Site, the entire 2,728 acres will be necessary to support the Consumptive Use groundwater needs for future generation at this site.



*Steven C. Bearce*  
Steven C. Bearce  
Professional Geology License PG#1911  
1/11/2017 Date

Request: Are there any purchase options for parcels adjacent to the North Escambia site? If yes, please give the number of acres covered and the price terms.

Response:



**EXHIBIT "C"**

**REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

Gulf Power requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefor is set forth below:

n/a

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 overnight mail this 12th day of January, 2017 to the following:

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