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February 2, 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:

Enclosed for filing in the above-referenced docket is Gulf Power Company's Request for Confidential Classification pertaining to the testimony and exhibits of Citizens' witness Donna Ramas. Also enclosed is a copy of Gulf's Request for Confidential Classification and Exhibit "C" which is a justification for confidential treatment of the Confidential Information in Microsoft Word format. Exhibit "B" which contains a public version of the documents with the Confidential Information redacted is included on a separate DVD. A copy of the confidential documents are provided on a separate DVD labeled Exhibit "A" Confidential.

Sincerely,

Robert L. McGee, Jr.
Regulatory and Pricing Manager

COM _____
AFD 1 DVD
APA _____
ECO _____
ENG 2 DVD's
GCL _____
IDM _____
TEL _____
CLK _____

md

REDACTED

Enclosures

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 rate increase by Gulf
Power Company.

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

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

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 its request that the Florida Public Service Commission enter an order protecting from public disclosure certain information included in the testimony and exhibits of the Office of Public Counsel’s witness Donna Ramas. In support of its request, Gulf states as follows.

1. On January 13, 2017, the Office of Public Counsel (“OPC”) filed the testimony of witnesses James Dauphinais and Donna Ramas in the above-referenced docket. *See* Document No. 00483-17. Portions of this testimony contain confidential information belonging to Gulf Power Company. Consequently, by agreement of OPC and Gulf, the testimony was filed as confidential in its entirety with the understanding that Gulf Power would review the testimony and subsequently submit highlighted and publicly available versions pursuant to a Request for Confidential Classification. *See* Document No. 00482-17.

2. Concurrent with OPC’s filing testimony, Gulf Power filed a Notice of Intent to Request Confidential Classification for portions of Mr. Dauphinais’ and Ms. Ramas’ testimony and exhibits. Document No. 00428-17. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, Gulf has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Gulf previously filed a Request for Confidential Classification regarding the testimony and exhibits of Mr. Dauphinais. Now, Gulf files this

Request for Confidential Classification to maintain continued confidential treatment of the confidential information contained in the testimony and exhibits of Ms. Ramas.

2. A portion of the information contained within Ms. Ramas' testimony itself as well as Exhibit DMR-3 to Ms. Ramas' testimony is entitled to confidential classification pursuant to section 366.093(3)(e), Florida Statutes. Specifically, the confidential information appears on page 53 of the testimony and within Attachments 18, 40, and 43 to Exhibit DMR-3.

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

4. Submitted as Exhibit "A" is DVD containing a non-public version of Mr. Ramas' testimony and exhibits. The information for which confidential classification is requested is highlighted in yellow. Exhibit "A" should be treated as confidential pending a ruling on this request.

5. Attached as Exhibit "B" is a separate DVD containing a redacted version of Ms. Ramas' testimony and exhibits, which may be made available for public review and inspection.

6. Attached as Exhibit "C" to this request is a line-by-line/field-by-field justification for the request for confidential classification.

7. 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.

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.

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 "D" 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.

Respectfully submitted this 2nd day of February, 2017.



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EXHIBIT "A"

CONFIDENTIAL VERSION OF THE DOCUMENTS

Provided to the Commission Clerk under separate cover as confidential information.

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 _____

EXHIBIT “C”

JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF PORTIONS OF THE DIRECT TESTIMONY OF DONNA RAMAS

<u>Document</u>	<u>Page Numbers and/or Bates Range</u>	<u>Detailed Description</u>	<u>Rationale</u>
Testimony	Page 53, Table	All highlighted information	(1)
Exh. DMR-3	Attachment 18, Pages 93 through 97	All highlighted information	(1)
Exh. DMR-3	Attachment 40, Pages 208 though 243	All highlighted information	(1)
Exh. DMR-3	Attachment 43, Page 251 (160186-OPC-POD-90-2715)	All highlighted information	(2)
Exh. DMR-3	Attachment 43, Page 253 (160186-OPC-POD-90-2717)	All highlighted information	(2)
Exh. DMR-3	Attachment 43, Page 254 (160186-OPC-POD-90-2718)	All highlighted information	(2)
Exh. DMR-3	Attachment 43, Page 255 (160186-OPC-POD-90-2719)	All highlighted information	(2)
Exh. DMR-3	Attachment 43, Page 256 (160186-OPC-POD-90-2720)	All highlighted information	(2)

- (1) The information identified on the listed pages/files contains allocation factors for affiliate transactions. These factors could be used by competitors of Gulf to gain confidential details regarding the Company’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 the Company 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 costs of the Company, which could also undermine the Company’s position. The Company’s competitors are not similarly required to disclose such information and access to such cost information would harm the Company 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.

- (2) The information identified on the listed pages/files contains results of a site specific geotechnical investigation. This investigation is being used by Gulf in its permitting activities, including pursuit of a consumptive water use permit for the site. There is a nearby site for which another consumptive water use permit is being sought, and therefore, the disclosure of Gulf’s geotechnical investigation data prior to filing its permit application could both provide an undue and uncompensated benefit to the other applicant and could harm Gulf’s ability to secure its consumptive use permit. In addition, the geotechnical results of Gulf’s site could also be used by entities considering nearby

sites for alternative generating projects. Such a use without compensation to Gulf and its customers would harm both Gulf and its customers. Therefore, this proprietary, competitively sensitive information should not be publicly disclosed. This information is confidential pursuant to section 366.093(3)(d) and (e), Florida Statutes.

EXHIBIT "D"

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 2nd day of February, 2017 to the following:

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