



Robert L. McGee, Jr.
Regulatory and Pricing Manager

The Florida Public Service Commission
600 North Florida Avenue, 12th Floor
Tallahassee, Florida 32301
Phone: 904.437.1200
Fax: 904.437.1201
www.fpsc.state.fl.us

February 24, 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 certain portions of Gulf's response to Staff's Twelfth Request for Production of Documents to Gulf Power Company (Nos. 73-107). 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. 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 "Confidential."

Sincerely,

Robert L. McGee, Jr.
Regulatory and Pricing Manager

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REDACTED

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: Petition for rate increase by Gulf
Power Company.

Docket No. 160186-EI
Dated: February 27, 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 certain documents and information produced in Response to Staff's Twelfth Request for Production of Documents to Gulf Power Company (Nos. 73-107) (collectively "Staff's Discovery"). Confidential information submitted in response to Staff's Discovery has been segregated and placed upon the enclosed DVD bearing the label "CONFIDENTIAL" ("Confidential Information"). This DVD should be treated as confidential in its entirety.

Description of the Document(s)

The Confidential Information consists of Microsoft Excel files produced in response to Staff's Requests for Production number 106. These documents are identified with specificity on Exhibit "A" to this Request. In support of this request, Gulf Power states:

1. 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.

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

3. Attached hereto is a DVD labeled Exhibit "B" containing 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

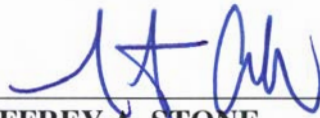
6. Gulf Power requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the Company is in need of confidential classification 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 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 24th day of February, 2017.

Respectfully submitted,



JEFFREY A. STONE

Florida Bar No. 325953

RUSSELL A. BADDERS

Florida Bar No. 007455

STEVEN R. GRIFFIN

Florida Bar No. 0627569

Beggs & Lane

P. O. Box 12950

Pensacola, FL 32591

(850) 432-2451

Attorneys for Gulf Power Company

EXHIBIT "A"

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF PORTIONS
OF GULF POWER'S ANSWERS TO STAFF'S TWELFTH REQUEST
FOR PRODUCTION OF DOCUMENTS (NOS. 73-107)**

<u>POD No.</u>	<u>Bates Pages or File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
106	2016 10 YR CAP BUDGET WKPPS 081215 – CONF	All highlighted information	(1)
	Labor Scrubbing File 09112015 – CONF	All highlighted information	(2)
	LOC Projection Sheet-RC – CONF	All highlighted information	(3)

- (1) The information identified on the listed pages/files contains confidential information pertaining to the timing of planned outages of Gulf Power's generating units. Public disclosure of this information could negatively impact Gulf Power's ability to procure replacement power on competitive terms, if necessary. Advanced knowledge of this information would enable power marketers to tailor their pricing proposals in light of the timing and magnitude of Gulf Power's need. This information is confidential pursuant to Section 366.093(3)(e), Florida Statutes.

- (2) The information identified on the listed pages/files contains confidential employee data, including names, positions, union status, and salaries. Public disclosure of this information could provide Gulf's competitors with an advantage in acquiring and obtaining qualified employees and directors, increase Gulf's employee turnover and associated training costs, and give existing and prospective employees and directors an advantage in negotiating compensation packages, leading to increases in the overall amount paid to employees and directors. This information is confidential pursuant to section 366.093(3)(e), Florida Statutes. *See Florida Power & Light v. Florida Public Service Commission*, 31 So.3d 860 (Fla. 1st DCA 2010).

- (3) The information identified on the listed pages/files contains fee terms for Gulf's lines of credit with various financial institutions. This information is regarded by both Gulf and the financial institutions as confidential. The information, which resulted from negotiations between Gulf and the financial institutions, is specific to individual accounts and is not publicly known. The disclosure of this information would therefore be harmful to Gulf/Southern Company'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"

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 X

Public Version(s) of the Document(s) previously filed on _____

Document(s) are confidential in their entirety _____

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 24th day of February, 2017 to the following:

Office of Public Counsel
J. R. Kelly/Stephanie A. Morse
Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
morse.stephanie@leg.state.fl.us

Office of the General Counsel
Theresa Tan
Kelley Corbari
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850
ltan@psc.state.fl.us
kcbari@psc.state.fl.us
blheriss@psc.state.fl.us
scuello@psc.state.fl.us
kyoung@psc.state.fl.us

Federal Executive Agencies
c/o Thomas A. Jernigan
AFCEC/JA-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
Thomas.Jernigan.3@us.af.mil
Andrew.Unsicker@us.af.mil
Lanny.Zieman.1@us.af.mil
Natalie.Cepak.2@us.af.mil
Ebony.Payton.ctr@us.af.mil

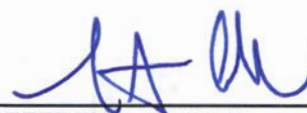
Southern Alliance for Clean Energy
Bradley Marshall, Esq.
Alisa Coe, Esq.
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
bmarshall@earthjustice.org
acoe@earthjustice.org

Florida Industrial Power Users Group
Jon C. Moyle, Jr.
Karen Putnal
c/o Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylslaw.com
kputnal@moylslaw.com

Bradley Marshall, Esq.
Alisa Coe, Esq.
c/o The League of Women Voters
of Florida, Inc.
Earthjustice
111 S. Martin Luther King Jr. Blvd
Tallahassee, FL 32301
bmarshall@earthjustice.org
acoe@earthjustice.org

Robert Scheffel Wright
John T. LaVia, III
c/o Gardner, Bist, Bowden, Bush, Dee,
LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

Diana Csank
Lane Johnson
Sierra Club
50 F St. NW, 8th Floor
Washington, DC 20001
Diana.Csank@sierraclub.org
ljohnsonlawoffice@gmail.com



JEFFREY A. STONE
Florida Bar No. 325953
jas@beggsllane.com
RUSSELL A. BADDERS
Florida Bar No. 007455
rab@beggsllane.com
STEVEN R. GRIFFIN
Florida Bar No. 0627569
srg@beggsllane.com
BEGGS & LANE
P. O. Box 12950
Pensacola FL 32591-2950
(850) 432-2451
Attorneys for Gulf Power