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March 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:

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 Citizens' First Request to Produce Documents (Nos. 1-73), Citizens' Fifth Request to Produce Documents (Nos. 110-117), Citizens' Sixth Request to Produce Documents (Nos. 118-132) and Citizens' Second Set of Interrogatories to Gulf Power Company (Nos. 35-74). 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,

C. Shane Boyett for

Robert L. McGee, Jr.
Regulatory and Pricing Manager

md

Enclosures

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

- COM _____
- AFD _____
- APA _____
- BCO _____
- ENC 2 DVDs _____
- GCL _____
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- TEL _____
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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: March 6, 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 files its request for confidential classification and motion for protective order pertaining to certain information produced in response to Citizens' (OPC's) First Request to Produce Documents to Gulf Power Company (Nos. 1-73), OPC's Fifth Request to Produce Documents to Gulf Power Company (Nos. 110-117), OPC's Sixth Request to Produce Documents to Gulf Power Company (Nos. 118-132), and OPC's Second Set of Interrogatories to Gulf Power Company (Nos. 35-74) (collectively "OPC's Discovery"). In support, Gulf states as follows:

1. On October 14, 2016, OPC served Gulf with its First Request to Produce Documents (Nos. 1-73).
2. On November 28, 2016, OPC served Gulf with its Fifth Request to Produce Documents (Nos. 110-117).
3. On December 2, 2016, OPC served Gulf with its Sixth Request to Produce Documents (Nos. 118-132).
4. On November 1, 2016, OPC served Gulf with its Second Set of Interrogatories (Nos. 35-74).
5. Gulf served timely responses to OPC's Discovery.
6. Gulf's responses to OPC's Discovery included confidential information.

7. Per agreement between Gulf and Commission Staff counsel, the confidential information contained in Gulf's responses to OPC's Discovery was made available for Staff to review in Gulf's Tallahassee office. Staff agreed to identify any confidential information it wanted to receive from Gulf out of Gulf's production to OPC.

8. After reviewing the confidential information submitted in response to OPC's Discovery, Staff counsel requested Gulf to provide confidential information included in Gulf's responses to OPC's Requests for Production Nos. 44, 116, and 131, and Gulf's answer to OPC's Interrogatory No. 73.

9. In order to ensure the confidentiality of the information included in Gulf's responses to OPC's Requests for Production Nos. 44, 116, and 131, and Gulf's responses to OPC's Interrogatory No. 73, Gulf now files this request.

Description of the Document(s)

10. The Confidential Information consists of multiple Microsoft Excel, PDF, and Microsoft Word files produced in response to OPC's Requests for Production Nos. 44, 116, and 131, and OPC's Interrogatory No. 73. These documents are identified with specificity on Exhibit "A" to this Request.

11. Confidential information submitted in response to OPC'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.

12. 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.

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

14. 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.

15. 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.

16. 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

17. 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 3rd day of March, 2017.

Respectfully submitted,

/s/ Steven R. Griffin
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EXHIBIT "A"

JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF PORTIONS OF GULF POWER'S RESPONSES TO OPC'S FIRST REQUEST TO PRODUCE DOCUMENTS (NOS. 1-73), OPC'S FIFTH REQUEST TO PRODUCE DOCUMENTS (NOS. 110-117), OPC'S SIXTH REQUEST TO PRODUCE DOCUMENTS (NOS. 118-132), OPC'S SECOND SET OF INTERROGATORIES (NOS. 35-74)

<u>POD Request No.</u>	<u>Bates Pages or File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
44	OPC POD 44 – CONF – Attachment A	All highlighted information	(1)
	OPC POD 44(A)_CONF– Attachment B	All highlighted information	(1)
*	OPC POD 44(A) _Attachment C	No longer confidential	(4)
	OPC POD 44(A)_CONF – Attachment D (2014-2016)	All highlighted information	(1)
	OPC POD 44(A)_CONF – Attachment E (Test Year 2017)	All highlighted information	(1)
	OPC_POD_44(B)_CONF_2015 SCS Allocations (1-6349)	Entire document	(1)
	OPC_POD_44(B)_CONF_2015 SCS Bill (6350-27342)	Entire document	(1)
	OPC_POD_44(B)_CONF_Corporate Services Allocation Rates 2016, 2015 and 2014	All highlighted information	(1)
116	2016 ASC 715 NQ Gulf_CONF (1-25)	All highlighted information	(2)
	2016 ASC 715 OPRB Gulf_CONF (26-65)	All highlighted information	(2)
	2016 ASC 715 QP Gulf_CONF (66-99)	All highlighted information	(2)
131	OPC_POD_131-System-Aircraft-Usage CONF (1-5)	Entire document	(3)
<u>ROG No.</u>	<u>Bates Pages or File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
73	OPC_ROG_073 highlighted	All highlighted information	(1)

- (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 analyses which were performed by Gulf's outside consultant. The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to gather and update information and develop methods of analysis. This information is the proprietary work product of the consultant. It constitutes information relating to competitive interests the disclosure of which could impair the consultant's competitive position in the market by diminishing demand for its proprietary work product. Public disclosure could also harm Gulf's competitive interest in that disclosure could result in the consultant either charging higher prices for its services, or even refusing to conduct business with Gulf in the future. This information is competitively sensitive and confidential pursuant to Section 366.093(3)(e), Florida Statutes.
- (3) The information identified on the listed pages/file 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.
- (4) Upon further review of POD 44 Attachment C, Gulf no longer considers the information contained in this document to be confidential. Gulf is including this document in the Exhibits to this request in order to complete the record for this discovery item.

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 3rd day of March, 2017 to the following:

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