



May 22, 2019

Mr. Adam Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 20190016-EG

Dear Mr. Teitzman:

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 First Request for Production of Documents (Nos. 1-4) to Gulf Power Company. 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. A copy of the confidential documents are provided on a separate DVD labeled "Confidential".

Sincerely,

C. Shane Boyett  
Regulatory, Forecasting and Pricing Manager

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Enclosures

cc: Gulf Power Company  
Russell Badders, Esq., VP & Associate General Counsel

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric  
conservation goals (Gulf Power Company).

Docket No.: 20190016-EG  
Filed: May 23, 2019

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

Gulf Power Company ("Gulf Power" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain information produced in response to the Commission Staff's First Request for Production of Documents (Nos. 1-4) ("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 is contained within multiple electronic files which contain the Company's internal pricing forecasts for coal, natural gas, and emissions allowances. These files are being produced in response to Document Request Nos. 1 and 2. These files are identified with specificity on Exhibit "A" to this Request. In support of this request, the Company states:

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be propriety 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 "[i]nformation relating to

competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” § 366.093(3)(e), Florida Statutes. Proprietary confidential business information also includes “trade secrets.” Section 366.093(3)(a), Florida Statutes. The Confidential Information that is the subject of this request and motion falls within these 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. Public versions of the Document(s) containing Confidential Information are not being submitted, as the files are confidential in their entirety.

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 "B" 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 "B" 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 22<sup>nd</sup> day of May, 2019.

Respectfully submitted,



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**EXHIBIT "A"**

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
PORTIONS OF GULF POWER'S RESPONSES  
TO STAFF'S FIRST REQUEST FOR PRODUCTION**

<u>Request No.</u>	<u>File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
POD 1	2019 Gulf TYSP - Coal – High_CONF; 2019 Gulf TYSP - Coal – Low_CONF; 2019 Gulf TYSP - Coal – Moderate_CONF; 2019 Gulf TYSP - Gas – High_CONF; 2019 Gulf TYSP - Gas – Low_CONF; 2019 Gulf TYSP - Gas – Moderate_CONF	Entire file	(1)
POD 2	Allowance Forecasts_CONF	Entire file	(1)

(1) The referenced files contain Gulf Power's internal pricing forecasts for coal, natural gas, and emissions allowances. This data was developed by Gulf, Southern Company Services, and their consultant, Charles Rivers Associates, using an extensive proprietary modeling analysis. These forecasts are based on non-public data, were developed at significant cost to the Company, and are considered proprietary by Gulf Power, Southern Company Services, and their consultant. This information reveals key inputs into the Company's decision-making process and is subject to extensive efforts to maintain its secrecy. Only select Company personnel with a "need to know" are granted access. Public disclosure of this information would enable competitors to access and utilize Gulf's forecasts without incurring costs to obtain similar information, thus bestowing an economic advantage upon such competitors at the cost of Gulf and its customers. Additionally, public disclosure of this information would enable vendors of commodities and services to tailor their pricing proposals to the Company's projections, resulting in higher costs for the Company and its customers. For example, if prospective fuel suppliers have access to such information, those suppliers will view the forecasted prices as the lower limit of what Gulf expects to pay and will offer to supply fuel at higher prices. Finally, the subject information is used in developing future generation strategies for Gulf. Generation wholesalers, power marketers or other competitors could utilize this information to tailor proposals with the intention of pricing products that could undermine the Company's market position. This information derives economic value from not being generally known to, and being readily ascertainable by proper means to, other persons who can obtain economic value from its disclosure or use. Protection of this information has taken on added importance recently given data mining trends in the industry. Trade publications are increasingly scouring regulatory filings, compiling data and selling these packaged products to industry participants such as commodity suppliers. Consequently, this information is entitled to confidential classification pursuant to section 366.093(3)(e), Florida Statutes. The Commission has previously determined that Gulf's fuel price forecasting data constitutes proprietary confidential business information pursuant to section 366.093(3), Florida Statutes. See e.g., Order No. PSC-14-0368-CFO-EI.

**EXHIBIT "B"**

**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: **Commission Review of Numeric** )  
**Conservation Goals (Gulf Power Company)** )

Docket No.: **20190016-EG**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was furnished by overnight mail this 22nd day of May, 2019 to the following:

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