



August 9, 2019

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

RECEIVED-FPSC
2019 AUG 12 PM 1:25
COMMISSION
CLERK

Re: Docket No. 20190002-EG

Dear Mr. Teitzman:

Enclosed is Gulf Power Company's Request for Confidential Classification pertaining to Gulf Power's response to Citizens' First Request to Produce Documents (Nos. 1-11) in the above-referenced docket.

Sincerely,

A handwritten signature in blue ink that reads 'C. Shane Boyett'.

C. Shane Boyett
Regulatory, Forecasting and Pricing Manager

md

Enclosures

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost Recovery
Clause

Docket No.: 20190002-EG
Filed: August 12, 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 Citizens' ("OPC") First Request to Produce of Documents (No. 1-11) ("OPC's Discovery"). 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.

Description of the Document(s)

The Confidential Information is contained within multiple electronic files which reflect:

(i) runs from Gulf Power's "FIRE Model" which include Company-specific avoided costs relating to fuel, generation, transmission and distribution; and (ii) information regarding payments made pursuant to contract with Gulf Power's vendor for technical services associated with the 2020 FEECA Goalsetting process. These files are being produced in response to Document Request Nos. 1 and 5. 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), Fla. Stat. Proprietary confidential business information also includes “[i]nformation concerning bids or other 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.” § 366.093(3)(d), Fla. Stat. 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) with the Confidential Information are not being submitted as the files are in electronic format.

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 9th day of August, 2019.

Respectfully submitted,



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EXHIBIT "A"

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

<u>Request No.</u>	<u>File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
POD 1	Commercial FIRE July 2018 - CPO 10 Year Life No T_D; Commercial FIRE July 2018 - Interruptible No T_D TRM; FIRE 2018 Comm Ceiling_Roof Insulation; FIRE 2018 Comm HVAC Geothermal; FIRE 2018 Comm HVAC Tune-up; FIRE 2018 Reflective Roof; FIRE 2018 Res Duct Sealing; Fire 2018 Res Energy Select _ Lite Combined; FIRE 2018 Res HE Room Weighted EER - Itron Savings; FIRE 2018 Res High Performance Window; FIRE 2018 Res HVAC Tune-up; FIRE 2018 Res Low-Income; FIRE 2018 Res QI; FIRE 2018 Res Reflective Roof	All yellow highlighted information.	(1)
POD 5	2018 Nexant spend	All yellow highlighted information.	(2)

(1) The Confidential Information is contained within various electronic runs from Gulf Power Company's "FIRE" Model. The FIRE Model is utilized by the Company to, among other things, perform cost-effectiveness analyses for Gulf's demand-side management measures and plans. The FIRE Model utilizes various inputs including Company-specific avoided costs relating to fuel, generation, transmission and distribution. This avoided cost information derives economic value from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use. More specifically, public disclosure of the information would provide other utilities, independent power producers and vendors of demand-side management services details related to the Company's avoided cost components and the calculations used in the Company's FIRE Model that determine pricing and cost effectiveness of marketing programs, individual customer loads, and certain supply-side and demand-side options. This information would bestow an unfair advantage on such entities with respect to resource planning, projected generation costs and DSM program development and contracting. If suppliers had access to such information, it would place Gulf Power at an economic

disadvantage and provide an economic advantage to its competitors and/or bidders who have access to such information, which could increase costs to Gulf Power and result in higher rates to customers. Gulf Power's ability to negotiate the optimum price and contract terms and conditions would be undermined if competitors and suppliers were given access to the company's costs through disclosure of this information. Finally, Gulf Power's competitors are not required to disclose their avoided cost components. The Confidential Information is subject to substantial procedures to maintain its secrecy. Only select Gulf Power personnel and their legal counsel are granted access to the information. Those personnel receive access only on a "need to know" basis. Consequently, this information is entitled to confidential classification pursuant to section 366.093(3)(a) and (e), Florida Statutes. The Commission has previously recognized that information contained within Gulf Power's FIRE Model constitutes proprietary confidential business information as defined in section 366.093, Florida Statutes. See e.g., Order No. PSC-14-0367-CFO-EI and Order No. PSC-14-0369-CFO-EI.

(2) The subject information constitutes proprietary confidential business information regarding contractual matters which would cause irreparable harm to Gulf Power, the entities with whom it has entered into contracts and most importantly to Gulf's customers, if such information was publicly disclosed. Specifically, this response contains information regarding payments made pursuant to contract with Gulf Power's vendor for technical and consulting services associated with the 2020 FEECA Goalsetting process. This information is regarded by both Gulf and its vendor as confidential. The information is specific to the individual contract and is not publicly known. Disclosure of this information would negatively impact Gulf's ability to effectively negotiate for goods and services in the future. In addition, potential counterparties may refuse to enter into contracts with Gulf, or may charge higher prices, if such terms are publicly disclosed. The information is therefore entitled to confidential classification pursuant to section 366.093(3)(d) and (e), Florida Statutes.

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: **Energy Conservation Cost**)
Recovery Clause)

Docket No.: **20190002-EG**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by overnight mail this 9th day of August, 2019 to the following:

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