



March 23, 2020

VIA ELECTRONIC FILING

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

Re: Docket No. 20190038-EI – Gulf Power Company’s Motion for Temporary Protective Order (OPC’s 2nd Set of Interrogatories and 2nd Request for Production of Documents)

Dear Mr. Teitzman:

Enclosed for filing in the above referenced docket is Gulf Power Company’s Motion for Temporary Protective Order for Certain Confidential Information Provided in Response to the Office of Public Counsel’s Second Set of Interrogatories (Nos. 47, 59, 65, 75 & 76) and Second Request for Production of Documents (Nos. 23, 24, 26, 27, 29, 30, 31 & 32).

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

/s/ Jason A. Higginbotham
Jason A. Higginbotham

Enclosure

cc: Counsel for Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Gulf Power Company for Limited Proceeding for Recovery of Incremental Storm Restoration Costs Related to Hurricane Michael.

Docket No: 20190038-EI

Date: March 23, 2020

GULF POWER COMPANY’S MOTION FOR TEMPORARY PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL INFORMATION PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL’S SECOND SET OF INTERROGATORIES (NOS. 47, 59, 65, 75 & 76) AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 23, 24, 26, 27, 29, 30, 31 & 32)

Pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, Gulf Power Company (“Gulf”), hereby moves the Florida Public Service Commission (the “Commission”), through the Prehearing Officer, for a temporary protective order to exempt from section 119.07(1), Florida Statutes, certain confidential information included in Gulf’s responses to the Office of Public Counsel’s (“OPC”) Second Set of Interrogatories (Nos. 47, 59, 65, 75 & 76) and Second Request for Production of Documents (Nos. 23, 24, 26, 27, 29, 30, 31 & 32).

1. OPC has requested that it be permitted to inspect or take possession of Gulf’s confidential, proprietary information in Gulf’s responses to OPC’s Second Set of Interrogatories (Nos. 47, 59, 65, 75 & 76) and Second Request for Production of Documents (Nos. 23, 24, 26, 27, 29, 30, 31 & 32).

2. Rule 25-22.006(6)(c), Florida Administrative Code, provides in pertinent part, as follows, with respect to a utility allowing OPC to inspect or take possession of the utility’s information:

a. [T]he utility may request a temporary protective order exempting the information from Section 119.07(1), Florida Statutes. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission,

the Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

3. The confidential information includes, but is not limited to: trade secrets; information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms; information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information; and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities (exempt from the Public Records Act pursuant to section 366.093(3)(a),(c),(e),and (f) Florida Statutes).

4. Gulf respectfully requests that the Commission enter a temporary protective order affording Gulf the protection that is needed to provide OPC the confidential information included in this motion for temporary protective order to be produced in response to OPC's Second Set of Interrogatories (Nos. 47, 59, 65, 75 & 76) and Second Request for Production of Documents (Nos. 23, 24, 26, 27, 29, 30, 31 & 32).

WHEREFORE, for the foregoing reasons, Gulf respectfully requests that the Commission enter a temporary protective order protecting against public disclosure the confidential information contained in Gulf's response to OPC's Second Set of Interrogatories (Nos. 47, 59, 65, 75 & 76) and Second Request for Production of Documents (Nos. 23, 24, 26, 27, 29, 30, 31 & 32).

Respectfully submitted this 23rd day of March, 2020.

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By: /s/ Jason A. Higginbotham
Jason A. Higginbotham
Florida Authorized Counsel No. 1017875

CERTIFICATE OF SERVICE

DOCKET NO. 20190038-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service on this 23rd day of March 2020 to the following:

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