

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: June 12, 2020

**GULF POWER COMPANY’S MOTION FOR TEMPORARY PROTECTIVE
ORDER FOR CERTAIN CONFIDENTIAL INFORMATION PROVIDED IN
RESPONSE TO THE FEDERAL EXECUTIVE AGENCIES’
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 4-5)**

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 Federal Executive Agencies’ (“FEA”) First Request for Production of Documents (Nos. 4-5).

1. The Office of Public Counsel (“OPC”) has requested that it be permitted to inspect or take possession of Gulf’s confidential, proprietary information in Gulf’s responses to FEA’s First Request for Production of Documents (Nos. 4-5).

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 FEA's First Request for Production of Documents (Nos. 4-5).

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 responses to FEA's First Request for Production of Documents (Nos. 4-5).

Respectfully submitted this 12th day of June, 2020.

Russell A. Badders
Vice President & Associate General
Counsel
Gulf Power Company
One Energy Place
Pensacola, FL 32520
Phone: (850) 444-6550
Fax: (850) 444-6744
russell.badders@nexteraenergy.com

Kenneth M. Rubin
Assistant General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-2512
Fax: (561) 691-7135
ken.rubin@fpl.com

Jason A. Higginbotham
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-7108
Fax: (561) 691-7135
jason.higginbotham@fpl.com

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 12th day of June, 2020 to the following:

Jennifer Crawford
Shaw Stiller
Walter Trierweiler
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
jcrawfor@psc.state.fl.us
sstiller@psc.state.fl.us
wtriewe@psc.state.fl.us
Florida Public Service Commission

J. R. Kelly
Thomas A. (Tad) David
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
david.tad@leg.state.fl.us
Office of Public Counsel

Thomas A. Jernigan,
AFCEC/JA
Robert J. Friedman, Capt, USAF,
AFLOA/JACE-ULFSC
Ebony M. Payton,
AFCEC/CN-ULFSC
Arnold Braxton, TSgt, USAF,
AFLOA/JACE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
thomas.jernigan.3@us.af.mil
robert.friedman.5@us.af.mil
ebony.payton.ctr@us.af.mil
arnold.braxton@us.af.mil
Federal Executive Agencies

Steven R. Griffin
P.O. Box 12950
Pensacola, Florida 32591
srg@beggsllane.com
Beggs Law Firm

By: /s/ Jason A. Higginbotham
Jason A. Higginbotham