



June 17, 2020

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

RE: Docket No. 20200001-EI

Dear Mr. Teitzman:

Attached is Gulf Power Company's Request for Extended Confidential Classification regarding certain information submitted by Gulf Power in connection with Commission Staff's audit in the above-referenced docket (ACN 13-016-1-1). Also attached is Gulf's Request for Extended Confidential Classification in Microsoft Word format.

Sincerely,

S/Richard Hume

Richard Hume
Regulatory Issues Manager

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Attachments

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and purchased power cost
recovery clause and generating performance
incentive factor

Docket No.: 20200001-EI
Date: June 17, 2020

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REQUEST FOR EXTENDED CONFIDENTIAL CLASSIFICATION

GULF POWER COMPANY [“Gulf Power”, “Gulf”, or the “Company”], by and through its undersigned attorneys and pursuant to Rule 25-22.006, Florida Administrative Code, hereby files this request that the Florida Public Service Commission enter an order extending confidential classification for portions of documents produced by Gulf Power in connection with a review of Gulf Power’s 2012 fuel and purchased power expenditures (ACN 13-016-1-1) (the “Review”). As grounds for this request, the Company states:

1. On May 21, 2013, Gulf Power filed a request for confidential classification of certain information produced in connection with the Review. (Document No. 02791-13, Docket No. 130001-EI)
2. On October 14, 2013, the Commission entered Order No. PSC-13-0457-CFO-EI granting Gulf’s request for confidential classification.
3. On April 7, 2015, Gulf filed its first request for extension of confidential classification of the information provided in connection with the Review. (Document No. 01921-15, Docket No. 150001)
4. On September 10, 2015, the Commission entered Order No. PSC-15-0376-CFO-EI granting Gulf’s request for extended confidential classification.
5. On March 8, 2017, Gulf filed its second request for extension of confidential classification of the information provided in connection with the Review. (Document No. 03421-2017, Docket No. 170001)

6. On May 12, 2017, the Commission entered Order No. PSC-17-0169-CFO-EI granting Gulf's second request for extended confidential classification.

7. On November 9, 2018, Gulf filed its third request for extension of confidential classification of the information provided in connection with the Review. (Document No. 07073-2018, Docket No. 20180001)

8. On December 21, 2018, the Commission entered Order No. PSC-2018-0605-CFO-EI granting Gulf's third request for extended confidential classification.

9. As provided in section 366.093(4), Florida Statutes, and by the Commission's Order, the confidential information will be made public after a period of 18 months unless Gulf or another affected party shows, and the Commission finds, that the confidential information continues to comprise proprietary confidential business information. The 18-month extension period expires on June 21, 2020.

10. Gulf hereby requests that the Commission enter an order extending the confidential classification of the confidential information. The confidential information is entitled to continued confidential classification for the same reasons that it was initially classified. As stated in Gulf's original request, a portion of the information submitted by Gulf Power in connection with the Review constitutes proprietary confidential business information concerning bids and other contractual data, the disclosure of which would impair the efforts of Gulf Power to contract for goods and services on favorable terms. This information is entitled to confidential classification pursuant to section 366.093(3)(d) Florida Statutes. Specifically, the confidential information consists of pricing data for coal, oil and natural gas transportation/storage. Contracts forming the basis for some of this pricing data are still in effect. This pricing data is the product of contractual negotiations between Gulf and various counterparties. This information is specific to individual

contracts and is regarded by both Gulf and the counterparties as confidential. Disclosure of this information would negatively impact Gulf's ability to negotiate pricing favorable to its customers in future contracts. In addition, potential counterparties may refuse to enter into contracts with Gulf, or may charge higher prices, if the price terms were made public. In addition to pricing-related data, a portion of the confidential information is included in a summary description of litigation in which the Company was involved. The subject information consists of legal counsel's mental impressions concerning damages which could have been awarded as a result of the litigation. Public disclosure of this information could impair the Company's litigation positions and, ultimately, the Company's competitive business position. Consequently, this information is protected from public disclosure pursuant to section 366.093(3)(e), Florida Statutes. Additionally, this information is protected from public disclosure pursuant to the attorney work-product and attorney-client privileges. Florida's appellate courts have held that information other than the types of information specifically listed in subsections (a) through (f) of section 366.093(3) can qualify for protection under the statute. See Florida Power & Light v. Florida Public Service Commission, 31 So.3d 860, 865 (Fla. 1st DCA 2010). Privileged attorney work-product and attorney-client communications fall squarely within the statute's catch-all provisions.

11. The information filed pursuant to this request is intended to be, and is treated as, confidential by Gulf Power, and to this attorney's knowledge has not otherwise been publicly disclosed.

WHEREFORE, Gulf Power Company respectfully requests that the Commission enter an order extending confidential classification of the information highlighted on Exhibit "A" of Gulf's original request from public disclosure as proprietary confidential business information.

Respectfully submitted this 17th day of June, 2020.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: **Fuel and Purchased Power Cost**)
Recovery Clause with Generating)
Performance Incentive Factor)

Docket No.: 20200001-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by electronic mail this 17th day of June, 2020 to the following:

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