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January 17, 2021

**VIA HAND DELIVERY**

Mr. Adam Teitzman  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

REDACTED

RECEIVED-FPSC  
2022 JAN 18 PM 4: 33  
COMMISSION  
CLERK

**Re: Docket No. 20210179-EI,  
Gulf Power Company's Request for Confidential Classification of Information  
Provided in Its Responses to the Office of Public Counsel's First Set of  
Interrogatories and First Request for Productions of Documents.**

Dear Mr. Teitzman:

I enclose for filing in the above referenced docket Gulf Power Company's ("Gulf") Request for Confidential Classification of Information Provided in Response to the Office of Public Counsel's First Request for Production of Documents, Response Nos. 4, 5, 7, and 27. The enclosed filing includes Exhibits A, B, C and D.

The enclosed filing includes Exhibits A, B, C, and D. Exhibit A consists of a copy of the Confidential Documents, some of which are provided in electronic format on CDs. The information that FPL asserts is entitled to confidential treatment is highlighted; or, for confidential documents that are being provided in electronic format and are voluminous, and therefore cannot be readily highlighted, FPL has not highlighted the entirety of the information but has instead added a confidential label. Exhibit B is an edited version of Exhibit A, in which the information Gulf asserts is confidential has been redacted; or for responses deemed confidential in their entirety, an identifying cover page. Exhibit C is a justification table in support of Gulf's Request for Confidential Classification. Exhibit D contains declarations in support of Gulf's filing.

Please contact me if you or your Staff has any questions regarding this filing at (561) 691-7108 or [jason.higginbotham@fpl.com](mailto:jason.higginbotham@fpl.com).

- COM \_\_\_\_\_
- AFD 1 Exh 'B'
- APA \_\_\_\_\_
- ECO \_\_\_\_\_
- ENG \_\_\_\_\_
- GCL \_\_\_\_\_
- IDM \_\_\_\_\_
- CLK \_\_\_\_\_

Sincerely,

/s/ Jason A. Higginbotham  
Jason A. Higginbotham

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs and associated true-up process related to Hurricane Zeta, by Gulf Power Company.

Docket No: 20210179-EI

Date: January 14, 2022

**GULF POWER COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S SECOND  
REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 4, 5, 7, and 27)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code ("Rule 25-22.006"), Gulf Power Company ("Gulf") hereby files its Request for Confidential Classification and requests confidential treatment of certain documents provided in its responses to the Office of Public Counsel's ("OPC") First Request for Production of Documents, Nos. 4, 5, 7, and 27 ("Confidential Documents"). In support of this request, Gulf states as follows:

1. Gulf served its responses to OPC's First Request for Production of Documents (including the Confidential Documents) on January 17, 2022. This request is being filed contemporaneously with service of those responses to request confidential classification of certain information contained in its responses to OPC's First Request for Production of Documents, Nos. 4, 5, 7, and 27 consistent with Rule 25-22.006.

2. The following exhibits are attached to and made a part of this request:

a. Exhibit A consists of a copy of the Confidential Documents, some of which are provided in electronic format on CDs. The information that Gulf asserts is entitled to confidential treatment is highlighted; or, for confidential documents that are being provided in electronic format and are voluminous, and therefore cannot be readily highlighted, Gulf has not highlighted the entirety of the information but has instead added a confidential label.

- b. Exhibit B consists an edited version of the Confidential Documents wherein the information Gulf asserts is entitled to confidential treatment has been redacted. For documents that are voluminous and entitled to confidential treatment in their entirety, a summary page identifying the documents has been added.
- c. Exhibit C is a table that identifies the information designated as confidential in Exhibit A and references the specific statutory bases for the claim of confidentiality and identifies the Declarant who supports the requested classification.
- d. Exhibit D consists of the declarations of Sharon Diaram, Jorge Gutierrez and Clare Gerard, in support of this Request.

3. Gulf submits that the highlighted information in Exhibit A is proprietary and confidential business information, and its disclosure would cause harm to Gulf and its customers. Pursuant to Section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

4. As described in the declarations in Exhibit D, the confidential business information includes: information relating to 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. This information is protected by Section 366.093(3)(d), Florida Statutes. The confidential business information further includes: information relating to competitive interests, the disclosure

of which would impair the competitive business of the provider of the information. This information is protected by Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the Confidential Documents are proprietary and confidential business information, the information should not be declassified for at least eighteen (18) months and should be returned to Gulf as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Florida Statutes.

6. **WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials, Gulf Power Company respectfully requests that its Request for Confidential Classification be granted. Additionally, Gulf respectfully requests that the Commission, the Office of Public Counsel, and any other party subject to the public records law treat the materials as confidential pending a formal ruling by the Commission or the return of the materials, consistent with Section 366.093(2), Florida Statutes.

Respectfully submitted this 17<sup>th</sup> day of January 2022.

Jason A. Higginbotham  
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Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 691-7108  
Facsimile: (561) 691-7135

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

**CERTIFICATE OF SERVICE**  
**Docket No. 20210179-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail this 17<sup>th</sup> day of January 2022 to the following:

Public Service Commission  
Office of General Counsel  
Jennifer Crawford  
Shaw Stiller  
Suzanne Brownless  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
jcrawfor@psc.state.fl.us  
sstiller@psc.state.fl.us  
sbrownle@psc.state.fl.us

Richard Gentry  
Patricia A. Christensen  
Anastacia Pirrello  
Office of Public Counsel  
111 W. Madison Street, Room 812  
Tallahassee, Florida 32399  
Gentry.richard@leg.state.fl.us  
Christensen.patty@leg.state.fl.us  
Pirrello.anastacia@leg.state.fl.us

*s/ Jason Higginbotham*  
\_\_\_\_\_  
Jason Higginbotham

# **EXHIBIT B**

**REDACTED**

The documents responsive to OPC's First Request for Production of Documents No. 4, Bates No. 000148-001508, are confidential in their entirety.

The documents responsive to OPC's First Request for Production of Documents No. 5, Bates No. 001510-002441, are confidential in their entirety.



The documents responsive to OPC's First Request for Production of Documents No. 7, Bates No. 02441-002446, are confidential in their entirety.

The documents responsive to OPC's First Request for Production of Documents No. 27, Bates No. 002447-002450, are confidential in their entirety.

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Gulf Power Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 20210179-EI  
**DOCKET TITLE:** Petition for limited proceeding for recovery of incremental storm restoration costs and associated true-up process related to Hurricane Zeta, by Gulf Power Company.  
**SUBJECT:** Gulf's Responses to OPC's First Request for Production of Documents, Nos. 4, 5, 7 and 27  
**DATE:** January 18, 2022

<b>Set</b>	<b>Bates Number Start</b>	<b>Bates Number End</b>	<b>Description</b>	<b>Line No. / Col. No.</b>	<b>Florida Statute 3.66.093(3) Subsection</b>	<b>Declarant</b>
OPC 1 <sup>st</sup> POD, No. 4	000148	001117	Contracts	All	(d) (e)	Sharon Diaram
OPC 1 <sup>st</sup> POD, No. 4	001118	001508	Purchase Orders	All	(d) (e)	Jorge Gutierrez
OPC 1 <sup>st</sup> POD, No. 5	001509	001509	General Ledger Detail	All	(d) (e)	Jorge Gutierrez
OPC 1 <sup>st</sup> POD, No. 5	001510	002441	Invoices	All	(d) (e)	Jorge Gutierrez
OPC 1 <sup>st</sup> POD, No. 7	002441	002446	Meal Invoices	All	(d) (e)	Jorge Gutierrez
OPC 1 <sup>st</sup> POD, No. 27	002447	002450	Invoice Review	All	(d) (e)	Clare Gerard

# **EXHIBIT D**

# **DECLARATIONS**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs and associated true-up process related to Hurricane Zeta, by Gulf Power Company.

Docket No: 20210179-EI

**WRITTEN DECLARATION OF SHARON DIARAM**

1. My name is Sharon Diaram. I am currently employed by Florida Power & Light Company as a Sourcing Manager, Compliance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A Gulf Power Company's ("Gulf") Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by Gulf to be proprietary confidential business information contain or constitute information concerning bids or other contractual data, the disclosure of which would impair the efforts of Gulf to contract for goods or services on favorable terms. Additionally, the documents and files that I have reviewed and which are asserted by Gulf to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. To the best of my knowledge, Gulf has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they should be returned to Gulf as soon as the information is no longer necessary for the Commission to conduct its business so that Gulf can continue to maintain the confidentiality of these documents.

4. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true to the best of my knowledge and belief.

*Sharon Diaram*

Sharon Diaram  
2022.01.12 10:40:17 -05'00'

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Sharon Diaram

Date: 1/12/2022

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs and associated true-up process related to Hurricane Zeta, by Gulf Power Company.

Docket No: 20210179-EI

**WRITTEN DECLARATION OF JORGE GUTIERREZ**

1. My name is Jorge Gutierrez. I am currently employed by Florida Power & Light Company as Manager Accounts Payable. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A Gulf Power Company's ("Gulf") Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by Gulf to be proprietary confidential business information contain or constitute information concerning bids or other contractual data, the disclosure of which would impair the efforts of Gulf to contract for goods or services on favorable terms. Additionally, the documents and files that I have reviewed and which are asserted by Gulf to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. To the best of my knowledge, Gulf has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they should be returned to Gulf as soon as the information is no longer necessary for the Commission to conduct its business so that Gulf can continue to maintain the confidentiality of these documents.

4. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true to the best of my knowledge and belief.

*Jorge Gutierrez*

\_\_\_\_\_  
Jorge Gutierrez

Date: 1/12/2022

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs and associated true-up process related to Hurricane Zeta, by Gulf Power Company.

Docket No: 20210179-EI

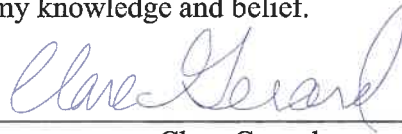
**WRITTEN DECLARATION OF CLARE GERARD**

1. My name is Clare Gerard. I am currently employed by Florida Power & Light Company ("FPL") as Vice President of Risk and Credit Exposure Management. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A Gulf Power Company's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by Gulf to be proprietary confidential business information contain or constitute information concerning bids or other contractual data, the disclosure of which would impair the efforts of Gulf to contract for goods or services on favorable terms. Additionally, the documents and files that I have reviewed and which are asserted by Gulf to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. To the best of my knowledge, Gulf has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they should be returned to Gulf as soon as the information is no longer necessary for the Commission to conduct its business so that Gulf can continue to maintain the confidentiality of these documents.

4. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true to the best of my knowledge and belief.



Clare Gerard

Date: 1-13-2022