

ORIGINAL

IN RE: Petition for Approval of Gulf)
Power Company's 2007 Storm Hardening)
Plan.)
)
)

Docket No. 070299-EI
Date: August 2, 2007

MOTION FOR TEMPORARY PROTECTIVE ORDER

GULF POWER COMPANY ["Gulf Power", "Gulf", or "the Company"], by and through its undersigned attorney and pursuant to Rule 25-22.006, Florida Administrative Code, hereby requests that the Florida Public Service Commission enter a temporary protective order protecting from public disclosure certain documents produced by Gulf Power Company to the City of Panama City Beach and Panama City Beach Community Redevelopment Agency (the "City"). As grounds for this motion, Gulf Power Company states:

1. Gulf Power Company has filed a petition for approval of its 2007 Storm Hardening Plan in the above referenced docket. On or about July 13, 2007, the City, having previously intervened in the docket, issued its First Request for Production of Documents to Gulf Power Company (1-41) and First Set of Interrogatories to Gulf Power Company (1-58) (the "Discovery Requests"). Some of the responses to the City's Discovery Requests include confidential information of the Company. In an attempt to provide the City responses to their discovery

requests in an expeditious manner, Gulf files this request to allow the City to inspect and possess this confidential information for the purpose of determining what information, if any, is to be used in the proceeding before the Commission in this docket¹ pursuant to Florida Public Service Commission Rule 25-22.006(6)(c). In the event that the City determines that portions of the confidential information will be used in the proceeding before the Commission, Gulf requests

The documents provided to the City herein are intended for use by the City and its counsel in this docket only.

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FPSC-COMMISSION CLERK

that it be so notified no later than 7 days prior to that proceeding to allow sufficient time in which to prepare and file a specific request for a protective order as provided by Rule 25-22.006(6)(c). In the event that the City does not use the information in the proceeding before the Commission, Gulf specifically requests that the information, and that which was derived therefrom, be either returned to Gulf or destroyed such that it does not remain in the possession of any entity subject to section 119.07(1), Florida Statutes.

2. As described more fully below, the responses are entitled to confidential classification pursuant to section 366.093(3), Florida Statutes.

3. Responses to Document Requests No. 1-3: The Company's responses consist of various system circuit diagrams and key maps which describe Gulf's electric system in detail, including substation and circuit data. This information is entitled to confidential classification pursuant to section 366.093(3)(c). Public disclosure of this proprietary information could increase the vulnerability of Gulf Power's power delivery infrastructure to vandalism or other destructive acts by third parties.

4. Response to Document Request No. 11: The Company's response consists of joint use agreements between Gulf Power Company and various third-party attachers. This information is entitled to confidential classification pursuant to section 366.093(3)(d) as it consists of contractual data (including specific price terms) the disclosure of which would impair Gulf Power's ability to negotiate with future third-party attachers. Disclosure of this information would negatively impact Gulf's ability to negotiate pricing favorable to its customers in the future. In addition, potential counterparties may refuse to enter into contracts with Gulf or charge higher prices, if the contract terms were made public.

5. Response to Document Request No. 14: The Company's response consists of a complete set of Gulf's construction standards manuals for overhead and underground distribution facilities. These documents constitute trade secrets and/or competitively sensitive information pursuant to section 366.093(3)(a) and (e). This information is proprietary and represents Gulf Power's own internal assessment of how best to construct its overhead and underground distribution facilities.

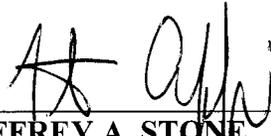
6. Responses to Interrogatory Nos. 4, 5, 9, 12, 13, and 24: The Company's responses to these interrogatories contain cost projections and past expenditures for Gulf Power's operation and maintenance, pole inspection and vegetation management plans. This information is entitled to confidential classification pursuant to section 366.093(3)(d) and (e) as it provides insight into the Company's planned expenditures which, if publicly disclosed, could impact competitive bidding on work performed for the Company.

7. Response to Interrogatory No. 49(a)-(b): The Company's response to this interrogatory provides non-public information concerning civil litigation between the Company and third parties, including final settlement amounts. This information is entitled to confidential classification pursuant to section 366.093(3) as it is subject to confidentiality agreements between Gulf and the settling third parties.

8. The material for which confidential classification is requested is intended to be, and is treated as, confidential by Gulf Power Company and, to the best of the undersigned attorney's knowledge has not been otherwise publicly disclosed.

WHEREFORE, Gulf Power Company respectfully requests that the Commission enter a temporary protective order consistent with this request.

Respectfully submitted this 2nd day of August, 2007.

A handwritten signature in black ink, appearing to read "A. Stone", written over a horizontal line.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by regular U. S. mail and overnight delivery (as indicated), all this 2ND day of August, 2007, on the following:

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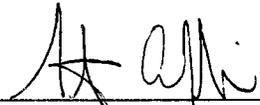
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