

Robert L. McGee, Jr.  
Regulatory & Pricing Manager  
One Energy Place  
Pensacola, Florida 32520-0780  
Tel 850.444.6530  
Fax 850.444.6026  
RLMCGEE@southernco.com

September 27, 2013



Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0850

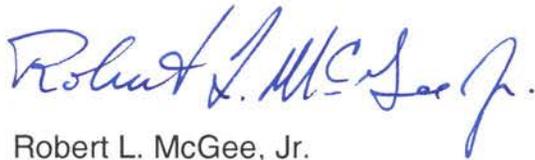
RE: Docket No. 130140-EI

RECEIVED-FPSC  
13 SEP 30 AM 10:19  
COMMISSION  
CLERK

Dear Ms. Cole:

Enclosed for filing in the above referenced docket is Gulf Power Company's Request for Confidential Classification pertaining to certain portions of Gulf's response to Citizens' Fifth Request to Produce Documents (Nos. 90-103) and Citizens' Fifth Set of Interrogatories to Gulf Power (Nos. 163-177). Enclosed is a copy of Gulf Power's Request for Confidential Classification and Exhibit "A" which is a justification for confidential treatment of the Confidential Information in Microsoft Word format as prepared on a Windows based system. Exhibit "B" which contains a public version of the documents with the Confidential Information redacted is included on a separate DVD. A copy of the confidential documents are provided on a separate DVD labeled "Confidential."

Sincerely,

  
Robert L. McGee, Jr.

md

Enclosures

cc: Beggs & Lane  
Jeffrey A. Stone, Esq.  
Gunster Law Firm  
Charles A. Guyton, Esq.  
Richard A. Melson, Esq.

COM \_\_\_\_\_  
AFD 2 CDs \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates  
by Gulf Power Company

---

Docket No.: 130140-EI  
Date: September 30, 2013

**GULF POWER COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Gulf Power Company ("Gulf Power" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain documents and information produced in Response to Citizens' Fifth Request to Produce Documents to Gulf Power (Nos. 90-103) and Citizens' Fifth Interrogatories to Gulf Power (Nos. 163-177) (collectively, "OPC's Discovery"). Confidential information submitted in response to OPC's discovery has been segregated and placed upon the enclosed DVD bearing the label "CONFIDENTIAL" ("Confidential Information"). This DVD should be treated as confidential in its entirety.

**Description of the Document(s)**

The Confidential Information consists of multiple Excel spreadsheets and PDF files produced in response to Document Request Nos. 90, 91 and 92 and information supplied in response to Interrogatory Nos. 169 and 170. These documents are identified with specificity on Exhibit "A" to this Request. In support of this request, the Company states:

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be propriety confidential business information shall be kept confidential and shall be exempt from s. 119.07(1), Florida Statutes [requiring disclosure under the Public Records Act]." Proprietary confidential business information includes, but is not limited to

“[i]nformation concerning . . . 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.”

Subsection 366.093(3)(d), Florida Statutes. Proprietary confidential business information also includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Section 366.093(3)(e), Florida Statutes. The Confidential Information that is the subject of this request and motion falls within the statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

2. Attached hereto as Exhibit "A" is a justification for confidential treatment of the Confidential Information.

3. Attached hereto as Exhibit "B" is a public version of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information is intended to be and is treated by Gulf Power as private and, to this attorney's knowledge, has not been publicly disclosed.

5. For the same reasons set forth herein in support of its request for confidential classification, Gulf Power also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

#### **Requested Duration of Confidential Classification**

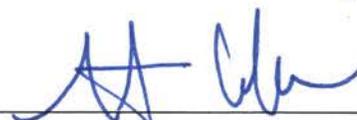
6. Gulf Power requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the

Company is in need of confidential classification of the Confidential Information beyond the 18 month period set forth in the Commission rule, the justification and grounds for such extended confidential treatment are set forth in Exhibit "C" to this request and motion.

WHEREFORE, Gulf Power Company respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

DATED this 27<sup>th</sup> day of September, 2013.

Respectfully submitted,



---

**JEFFREY A. STONE**  
Florida Bar No. 325953  
**RUSSELL A. BADDERS**  
Florida Bar No. 007455  
**STEVEN R. GRIFFIN**  
Florida Bar No. 0627569  
**Beggs & Lane**  
P. O. Box 12950  
Pensacola, FL 32591  
(850) 432-2451  
**Attorneys for Gulf Power Company**

**EXHIBIT "A"**

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
PORTIONS OF GULF POWER'S RESPONSES TO OPC'S FIFTH REQUEST TO  
PRODUCE DOCUMENTS (NOS. 90-103) AND  
FIFTH INTERROGATORIES (NOS. 163-177)**

<u>POD Request No.</u>	<u>Bates Pages or File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
90-91	2012 10-2 2012_MPC_Finance_Draft_Proposed 2012-2022 Budgets-VOM-Summary 2	All highlighted information	(2)
	130140-OPC-POD-91-897 through 130140-OPC-POD-91-939	Confidential in its entirety	(4)
	Daniel Baghouse vs Bromine ACI Costs	All highlighted information	(2)
	130140-OPC-POD-91-940 through 130140-OPC-POD-91-973	Confidential in its entirety	(5)
	130140-OPC-POD-91-977 and 130140- OPC-POD-91-980 through 982	All highlighted information	(1) (2)
	Revised Formatted cost tables for Jan 2013 Compliance Plan Update revised to highlight conf info	All highlighted information	(2)(4)
92	130140-OPC-POD-92-16, 130140- OPC-POD-92-24, 130140-OPC-POD- 92-28 through 29, 130140-OPC-POD- 92-34, 130140-OPC-POD-92-48 through 56.	All highlighted information	(3)

<u>ROG No.</u>	<u>Pages</u>	<u>Detailed Description</u>	<u>Rationale</u>
169	1	All highlighted information	(1)
170	1	All highlighted information	(1)

- 
- (1) This response contains discussion of system reliability risks and requirements at Plants Crist and/or Smith. This information is considered Critical Energy Infrastructure Information by Gulf. Disclosure of this non-public information could pose a security risk to Gulf's system and to the bulk electric system as a whole whether through cyber-attack, physical attack or some combination thereof. This information is subject to confidential classification pursuant to section 366.093(3)(c), Florida Statutes.

- (2) This response identifies projected capital expenditures and/or operation and maintenance costs for specific environmental compliance projects. Disclosure of this information could negatively impact Gulf's ability to negotiate pricing favorable to its customers when contracting with vendors of materials and services needed by Gulf in order to implement such projects. Specifically, public disclosure of this information would enable vendors of materials and services to tailor their pricing proposals to the Company's projections, resulting in higher costs for the Company and its customers. For example, if prospective vendors have access to such information, those vendors will view the forecasted costs as the lower limit of what Gulf expects to pay and will offer to supply goods or services at higher prices. This information is subject to confidential classification pursuant to section 366.093(3)(e), Florida Statutes.
- (3) This response includes copies of presentations made by Gulf to certain financial rating agencies. These presentations include forward looking financial data such as projected capital expenditures, environmental compliance costs, financing needs, credit profiles and other commercially sensitive financial and operational information, the disclosure of which could harm the competitive interest of the Company. This information is confidential pursuant to section 366.093(3)(e), Florida Statutes.
- (4) This file contains detailed transmission capital expenditure projections by project and revenue requirements and net present value of these costs. Disclosure of this cost information could negatively impact Gulf's ability to negotiate pricing favorable to its customers when contracting with vendors of materials needed by Gulf in order to implement these compliance options. Additionally, this file contains detailed components and results of an economic viability analysis performed by Southern Company Services for Gulf Power of various options for achieving compliance with the EPA's Mercury and Air Toxics Standards (MATS) rule at Gulf Power's Plants Crist or Smith, including cost projections for four compliance alternatives including projected fuel, transmission, production and emission controls costs. Wholesale competitors as well as suppliers of commodities and services could utilize this information to undermine Gulf's bargaining position in the markets where Gulf must compete to obtain commodities and services or make purchases or sales of wholesale power. This information is confidential pursuant to section 366.093(3)(e), Florida Statutes.
- (5) This file contains detailed analysis of pending and proposed environmental statutes, regulations and litigation and the impacts such activities could have on Gulf and its affiliates. Gulf and its affiliates invested significant time and expert resources in developing this analysis. The analysis represents Southern Company's unique assessment of the law and of the impacts those laws could have on the Southern Company System and the electric industry as a whole. This proprietary work product would be of value to other industry participants insofar as access to this information would enable them to optimize their own analyses at Gulf Power's and its affiliates' expense. Moreover, public disclosure could negatively impact Gulf's and its affiliates' ability to shape future environmental policy and/or pursue litigation strategies in an effort to reduce environmental compliance costs which must be borne by Gulf's customers. This information is confidential pursuant to section 366.093(3)(e), Florida Statutes.

EXHIBIT "B"

**PUBLIC VERSION(S) OF THE DOCUMENT(S)**

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document(s) with the Confidential Information redacted.

Public Version(s) of the Document(s) attached   X  

Public Version(s) of the Document(s) previously filed on \_\_\_\_\_

## **EXHIBIT "C"**

### **REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

Gulf Power requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefor is set forth below:

n/a

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Increase in Rates )  
By Gulf Power Company )  
)

Docket No.: 130140-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by overnight mail this 27th day of September, 2013:

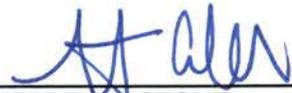
J. R. Kelly/Joseph A. McGlothlin  
Charles J. Rehwinkel  
Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400  
[mcglothlin.joseph@leg.state.fl.us](mailto:mcglothlin.joseph@leg.state.fl.us)

Jon C. Moyle, Jr.  
Karen Putnal  
c/o Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

Federal Executive Agencies  
c/o Lt. Col. Gregory J. Fike  
Christopher Thompson  
Thomas A. Jernigan  
Greg Meyer  
AFLOA/JACE-ULFSC  
139 Barnes Drive, Suite 1  
Tyndall Afb, FL 32403  
[gregory.fike@us.af.mil](mailto:gregory.fike@us.af.mil)  
[Christopher.Thompson.5@us.af.mil](mailto:Christopher.Thompson.5@us.af.mil)  
[Thomas.jernigan@us.af.mil](mailto:Thomas.jernigan@us.af.mil)  
[gmeyer@consultbai.com](mailto:gmeyer@consultbai.com)

Suzanne Brownless  
Martha Barrera/Martha Brown  
Office of the General Counsel  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)  
[mbarrera@psc.state.fl.us](mailto:mbarrera@psc.state.fl.us)  
[mbrown@psc.state.fl.us](mailto:mbrown@psc.state.fl.us)

Robert Scheffel Wright  
John T. La Via, III  
c/o Gardner Law Firm  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)



---

**JEFFREY A. STONE**  
Florida Bar No. 325953  
**RUSSELL A. BADDERS**  
Florida Bar No. 007455  
**STEVEN R. GRIFFIN**  
Florida Bar No. 0627569  
BEGGS & LANE  
P. O. Box 12950  
Pensacola FL 32591-2950  
(850) 432-2451  
**Attorneys for Gulf Power**