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December 28, 2016

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

RE: Docket No. 160186-EI

Dear Ms. Stauffer:

Attached for filing in the above-referenced docket is Gulf Power Company's Motion for Temporary Protective Order pertaining to certain portions of Gulf's response to Citizens' Fifth Request to Produce Documents (Nos. 110-117) and Citizens' Fifth Set of Interrogatories (Nos. 152-161) to Gulf Power Company.

Sincerely,

A handwritten signature in blue ink that reads "Robert L. McGee, Jr.".

Robert L. McGee, Jr.
Regulatory and Pricing Manager

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Attachments

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 160186-EI
Dated: December 28, 2016

GULF POWER COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER

Gulf Power Company ("Gulf"), by and through undersigned counsel, hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, for entry of a Temporary Protective Order covering confidential documents and information sought in discovery by the Office of Public Counsel ("OPC") within OPC's Fifth Request for Production of Documents (Nos. 110-117) and Fifth Set of Interrogatories (Nos. 152-161). In support, Gulf states as follows:

1. This Motion pertains to certain proprietary confidential information as defined in Section 366.093, Florida Statutes, which is included within Gulf's Responses to OPC's Request for Production of Documents Nos. 114 and 116, and Gulf's Answer to OPC's Interrogatory No. 157, and which Gulf is serving upon OPC on the date of this Motion.

2. The confidential information responsive to OPC's Request for Production No. 114 and OPC's Interrogatory No. 157 is contained within Microsoft Excel spreadsheets. The information within these documents and files contains confidential pricing and non-price information pertaining to contractual agreements between Gulf and various counterparties. Such contractual agreements include purchased power agreements, wholesale agreements, long term service agreements, tax-sharing agreements, consulting agreements, lines of credit, right of way leases, land purchases, and facility leases. This information is regarded by both Gulf and the counterparties as confidential. The information, which resulted from negotiations with Gulf and the counterparties, is specific to individual contracts and is not publicly known. Disclosure of

this information would negatively impact Gulf's ability to negotiate contract terms favorable to its customers in future contracts. Contractual negotiations invariably result in "give and take" both in terms of price and non-price terms. If publicly disclosed, such terms could be viewed by other potential counterparties as a starting point rather than an ending point for negotiations. This is equally true with respect to active and expired contracts. Also, public disclosure of these negotiated terms could result in potential counterparties refusing to enter into contracts with Gulf, or charging higher prices.

In addition, the information within these documents and files contains detailed operation and maintenance costs for Gulf generating units, including fuel, variable O&M, SO₂, NO_x, and fuel handling. Public disclosure of these costs would place Gulf and its customers at an economic and competitive disadvantage when negotiating wholesale and economy energy sales, and therefore would negatively impact Gulf's ability to negotiate contract terms favorable to its customers in future contracts. This information would provide third party market participants with detailed insight into Gulf's generation costs, which, in turn, would put Gulf and its customers at a competitive disadvantage when negotiating for the purchase or sale of energy and/or capacity. In addition, potential counterparties may refuse to enter into contracts with Gulf, or may charge higher prices, if the information is publicly disclosed.

In summary, the disclosure of the confidential information responsive to OPC's Request for Production No. 114 and OPC's Interrogatory No. 157 would be harmful to Gulf's competitive interests, and as such, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

3. The confidential information responsive to OPC's Request for Production No. 116 consists of PDF files. Confidential information is identified with Bates Nos. 1608186-OPC-

POD-116-1 through 1608186-OPC-POD-116-99. The information within these documents and files contains analyses which were performed by Gulf's outside consultant. The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to gather and update information and develop methods of analysis. This information is the proprietary work product of the consultant. It constitutes information relating to competitive interests the disclosure of which could impair the consultant's competitive position in the market by diminishing demand for its proprietary work product. Public disclosure could also harm Gulf's competitive interest in that disclosure could result in the consultant either charging higher prices for its services, or even refusing to conduct business with Gulf in the future. This information is competitively sensitive and confidential pursuant to Section 366.093(3)(e), Florida Statutes.

4. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by OPC as confidential and shall be exempt from the public records law, Section 119.07(1), Florida Statutes. Gulf, by this motion, is seeking protection of all confidential information that Gulf will produce to OPC within its Response to OPC's Request for Production Nos. 114 and 116 and Answer to OPC Interrogatory No. 157. This protection should extend not only to OPC, but also to any consultants or advisors with whom OPC has contracted for purposes of this proceeding. Gulf has recorded the appropriate objections to providing such confidential and proprietary business information, and will provide documents and information responsive to these requests marked as confidential subject to this motion, the law, Commission rules, and Gulf's objections. By following this procedure and producing this information, Gulf is not waiving its right to seek further relief as

necessary to make certain that its confidential, proprietary, business information in not publicly disclosed.

WHEREFORE, Gulf Power respectfully requests that the Commission grant a Temporary Protective Order relating to the information described in the body of this motion.

Respectfully submitted this 28th day of December, 2016.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No.: 160186-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic mail this 28th day of December, 2016 to the following:

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