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Regulatory and Pricing Manager

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Florida Public Service Commission
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Tallahassee, Florida 32309-3000
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February 24, 2017

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

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COMMISSION CLERK

RE: Docket No. 160186-EI

Dear Ms. Stauffer:

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 Staff's Thirteenth Request for Production of Documents to Gulf Power Company (Nos. 108-113). Also 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. A copy of the confidential documents are provided on a separate DVD labeled "Confidential."

Sincerely,

Robert L. McGee, Jr.
Regulatory and Pricing Manager

md

Enclosures

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

COM _____
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APA _____
ECO _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for rate increase by Gulf
Power Company.

Docket No. 160186-EI
Dated: February 27, 2017

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

Gulf Power Company ("Gulf Power," "Gulf," 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 Staff's Thirteenth Request for Production of Documents to Gulf Power Company (Nos. 108-113) (collectively "Staff's Discovery"). Confidential information submitted in response to Staff'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 a Microsoft Excel file produced in response to Staff's Request for Production No. 108. This documents is identified with specificity on Exhibit "A" to this Request. In support of this request, Gulf Power states:

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be proprietary 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” are public versions of the Document(s) with the Confidential Information redacted, unless previously filed or confidential in their entirety 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 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 24th day of February, 2017.

Respectfully submitted,



JEFFREY A. STONE

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EXHIBIT "A"

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF PORTIONS
OF GULF POWER'S ANSWERS TO STAFF'S THIRTEENTH REQUEST
FOR PRODUCTION OF DOCUMENTS (NOS. 108-113)**

<u>POD No.</u>	<u>Bates Pages or File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
108	CADEMWithAcquisitions CONF	Entire file	(1)
	CADEMwithoutAcquisitions CONF	Entire file	(1)

- (1) This file includes a functioning electronic version of a cost allocation evaluation model developed by Southern Company at Southern Company's expense. The model was developed as proprietary for the Southern Company and is designed to calculate the potential impact of adding new subsidiaries to the Southern Company system by modifying allocation factors and reallocating charges from Southern Company Services to all subsidiaries which it serves. Southern Company has expended resources in developing the model for use in its (and its subsidiaries/affiliates') course of business. The model has not been publicly disclosed, is of value to Gulf Power's and its affiliates' business, and would provide an economic advantage to Gulf Power's competitors in the event of public disclosure. Utilities within the State of Florida and across the United States regularly conduct cost allocation evaluations in their course of business. If this functioning model was publicly disclosed, competing utilities could utilize the model in their own businesses, resulting in cost savings at Gulf Power's expense. Gulf considers this model highly confidential and has not publicly disclosed the model. The Commission has previously recognized that functioning proprietary models constitute confidential business information. *See* Order No. PSC-13-0487-CFO-EI, *In re: Petition for rate increase by Gulf Power Company*, Docket No. 130140-EI (Oct. 16, 2013). For all of the foregoing reasons, the model is entitled to confidential classification pursuant to 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 _____

Public Version(s) of the Document(s) previously filed on _____

Document(s) are confidential in their entirety X

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.: 160186-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by overnight mail this 24th day of February, 2017 to the following:

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