

Diamond Williams

From: Milstead, Natalie [NB MILSTE@SOUTHERNCO.COM]
Sent: Wednesday, October 05, 2011 3:25 PM
To: Filings@psc.state.fl.us
Cc: Badders, Russell A. (Beggs & Lane); Griffin, Steven R. (Beggs & Lane); 'Jeffrey Stone'; Guyton, Charles A. (Gunster)
Subject: Gulf Power Company's Fourth Motion for Temporary Protective Order
Attachments: Gulf Power's Fourth Motion for Temporary Protective Order.pdf

- A. s/Susan D. Ritenour
Gulf Power Company
One Energy Place
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850.444.6231
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- B. Docket No. 110138-EI
- C. Gulf Power Company
- D. Document consists of 5 pages
- E. The attached document is Gulf Power Company's Fourth Motion for Temporary Protective Order

10/5/2011

DOCUMENT NUMBER - DATE

07258 OCT-5 =

FPSC-COMMISSION CLERK

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October 5, 2011

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

RE: Docket No. 110138-EI

Dear Ms. Cole:

Attached is Gulf Power's Fourth Motion for Temporary Protective Order pertaining to Supplemental responses to Citizens' First Request to Produce Documents (No. 34(a)) to Gulf Power to be filed in the above referenced docket.

Sincerely,

Susan D. Ritenour (nm)

nm

Enclosures

cc: Beggs & Lane
Jeffrey A. Stone, Esq.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 110138-EI
Dated: October 5, 2011

GULF POWER COMPANY'S
FOURTH 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") and as grounds therefore states as follows:

1. On July 26, 2011, OPC issued its First Request to Produce Documents to Gulf Power (Nos. 1-74). On August 25, 2011, Gulf Power filed its responses to OPC's First Request to Produce Documents.

2. As a result of discussions between Gulf and OPC, Gulf has agreed to supplement its response to document request 34(a). A portion of Gulf's supplemental response contains proprietary confidential business information as defined pursuant to section 366.093(3), Florida Statutes.

3. Specifically, Gulf's supplemental response contains non-public financial data belonging to Gulf Power's unregulated affiliates which is used in developing allocation factors for costs relating to Southern Company Services. The non-public financial information consists of affiliates' net fixed assets, operating expenses and operating revenues. Such information is generally regarded as confidential and competitively sensitive by the affiliates and those entities with which they compete in the marketplace. Public disclosure of this information could provide the affiliates' competitors with an advantage in that they would have access to the competitive

information of Gulf Power's unregulated affiliates and Gulf Power's unregulated affiliates would not have access to similar information for their competitors. This information is confidential pursuant to section 366.093(3)(d) and (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 in Gulf's supplemental response to OPC document request number 34(a). 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, 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 is not publicly disclosed.

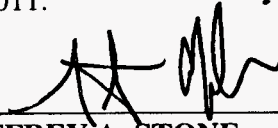
5. For OPC's ease of reference, Gulf Power has highlighted the confidential information in yellow.

Gulf requests that in connection with the entry of a temporary protective order, the Commission also request OPC to provide Gulf with notice of its intent to use such confidential information in connection with the hearing in this matter.

WHEREFORE, Gulf requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to information identified as confidential and produced to

OPC in Gulf's supplemental response to OPC document request number 34(a), instructing OPC to continue to treat it as confidential, and requiring OPC to provide Gulf with notice of its intent to use such confidential information in connection with the hearing in accord with the prehearing order governing procedure.

Respectfully submitted this 5th day of October, 2011.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 110138-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by electronic mail the 5th day of October, 2011, on the following:

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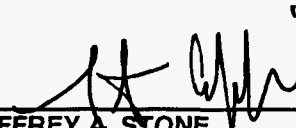
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