



May 6, 2019

Mr. Adam Teitzman, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 20190016-EG

Dear Mr. Teitzman:

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 Southern Alliance for Clean Energy's First Request for Production of Documents (Nos. 1-18) to Gulf Power Company. 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. A copy of the confidential documents are provided on a separate DVD labeled "Confidential".

Sincerely,

C. Shane Boyett
Regulatory, Forecasting and Pricing Manager

COM _____
AFD _____
APA _____
ECO _____
ENG 1 *CD*
GCL _____
IDM _____
CLK _____

RECEIVED--FPSC
2019 MAY -7 AM 10:00
COMMISSION
CLERK

md

Enclosures

cc: Gulf Power Company
Russell Badders, Esq., VP & Associate General Counsel

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Gulf Power Company).

Docket No.: 20190016-EG
Filed: May 7, 2019

**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 information produced in response to the Southern Alliance for Clean Energy's ("SACE") First Request for Production of Documents (No. 1-18) ("SACE's Discovery"). Confidential information submitted in response to SACE'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 is contained within multiple electronic files which reflect: (i) runs from Gulf Power's "FIRE Model"; and (ii) residential, commercial and industrial customer names, account numbers, premise numbers, consumption data and/or rate schedules under which such customers take service. These files are being produced in response to Document Request Nos. 1, 2, 3, 5, 6, 8 and 9. These files 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 “[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. Proprietary confidential business information also includes “trade secrets.” Section 366.093(3)(a), Florida Statutes. The Confidential Information that is the subject of this request and motion falls within these statutory categories and, thus, constitutes propriety 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. Public versions of the Document(s) with the Confidential Information are not being submitted as the files are confidential in their entirety.

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

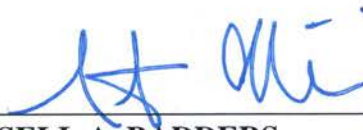
6. Gulf Power requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18-month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the Company is in need of confidential classification 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 "B" 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 "B" 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 6th day of May, 2019.

Respectfully submitted,



RUSSELL A. BADDERS
Vice President & Associate General Counsel
Florida Bar No. 007455
Russell.Badders@nexteraenergy.com
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0100
(850) 444-6550

STEVEN R. GRIFFIN
Florida Bar No. 627569
srg@beggsllane.com
BEGGS & LANE
P.O. Box 12950
Pensacola, FL 32591-2950
(850) 432-2451
Attorneys for Gulf Power Company

EXHIBIT "A"

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
PORTIONS OF GULF POWER'S RESPONSES
TO SACE'S FIRST REQUEST FOR PRODUCTION**

<u>Request No.</u>	<u>File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
POD 1	BalancedLS_Class; Copy of ES Enrollment Marketing Source 2018; CSSPROD_NAICS and Tariff Query Using List FINAL; Gulf saturation survey data; gulf_file_for_nexant_item3_Acxiom_data_11-14-2017; gulf_file_for_nexant_item3_CSS_billing_data_11-13-2017; gulf_file_for_nexant_item3_CSS_data_11-6-2017; gulf_file_for_nexant_item3_CSS_data_11-6-2017; gulf_file_for_nexant_item3_InfoUSA_data_11-14-2017; intervaldata; LR15min; Technical Feasability Data; UnBalancedLS_Class	Files containing no yellow highlighting are considered confidential in their entirety. For those files containing yellow highlighting, confidential information consists of all yellow highlighted information.	(2)
POD 2	Fire 2019 Com Base; Fire 2019 Ind Base; Fire 2019 Res Base; Fire 2019 Com Base - 1 yr; Fire 2019 Com Base - 2 yr; Fire 2019 Com Base - 3 yr; Fire 2019 Com Base - High Fuel; Fire 2019 Com Base - Low Fuel; Fire 2019 Ind Base - 1 yr; Fire 2019 Ind Base - 2 yr; Fire 2019 Ind Base - 3 yr; Fire 2019 Ind Base - High Fuel; Fire 2019 Ind Base - Low Fuel; Fire 2019 Res Base - 1 yr; Fire 2019 Res Base - 2 yr; Fire 2019 Res Base - 3 yr; Fire 2019 Res Base - High Fuel; Fire 2019 Res Base - Low Fuel; PriceM Data for Gulf; PriceM Data for Gulf - Final Results	All yellow highlighted information	(1)
POD 3	Fire 2019 Com Base - 2yr Max Inc; Fire 2019 Ind Base - 2yr Max Inc; Fire 2019 Res Base - 2yr Max Inc;	All yellow highlighted information	(1)

POD 5	Fire 2019 Com Base – DR; Fire 2019 Ind Base – DR; Fire 2019 Res Base – DR	All yellow highlighted information	(1)
POD 6	Commercial FIRE July 2018 - CL; Fire 2019 Com Base - DR Max Inc 50 Cyc; Fire 2019 Com Base - DR Max Inc CPP; Fire 2019 Com Base - DR Max Inc HVAC Load Shed; Fire 2019 Com Base - DR Max Inc Smart BYOT; Fire 2019 Com Base - DR Max Inc Smart UI; Fire 2019 Com Base - DR Max Inc; Fire 2019 Ind Base - DR Max Inc; Fire 2019 Res Base -DR - ES Pool Pump v2; Fire 2019 Res Base -DR - Load Shed Ach 50 Cycling Heat; Fire 2019 Res Base -DR - Max Inc Load Shed Ach 50 Cycling AC; Fire 2019 Res Base -DR - Max Inc Load Shed Ach AC; Fire 2019 Res Base -DR - Max Inc Load Shed Ach ES CPP; Fire 2019 Res Base -DR - Max Inc Load Shed Ach ES Water Heat; Fire 2019 Res Base -DR - Max Inc Load Shed Ach Heat; Fire 2019 Res Base - DR - Max Inc Load Shed Ach Room AC; Fire 2019 Res Base -DR - Max Inc; Fire 2019 Res Base -DR - Smart Tstat BYOT; Fire 2019 Res Base -DR - Smart Tstat UI	All yellow highlighted information	(1)
POD 8	Fire 2019 Com Base - DER; Fire 2019 Ind Base - DER; Fire 2019 Res Base - DER; Fire 2019 Com Base - DER - High Fuel; Fire 2019 Com Base - DER - Low Fuel; Fire 2019 Com Base - DER 1yr; Fire 2019 Com Base - DER 2yr; Fire 2019 Com Base - DER 3yr; Fire 2019 Ind Base DER- High Fuel; Fire 2019 Ind Base DER - Low Fuel; Fire 2019 Ind Base - DER 1yr; Fire 2019 Ind Base - DER 2yr; Fire 2019 Ind Base - DER 3yr; Fire 2019 Res Base - DER - High Fuel; Fire 2019 Res Base - DER - Low Fuel; Fire 2019 Res Base - DER 1yr; Fire 2019 Res Base - DER 2yr; Fire 2019 Res Base - DER 3yr	All yellow highlighted information	(1)

POD 9	Fire 2019 Com Base DER - 2yr Max Inc; Fire 2019 Ind Base DER - 2 yr Max Inc; Fire 2019 Res Base DER - 2yr Max Inc	All yellow highlighted information	(1)
-------	---	------------------------------------	-----

(1) The Confidential Information is contained within various electronic runs from Gulf Power Company's "FIRE" Model. The FIRE Model is utilized by the Company to, among other things, perform cost-effectiveness analyses for Gulf's demand-side management measures and plans. The FIRE Model utilizes various inputs including Company-specific avoided costs relating to fuel, generation, transmission and distribution. This avoided cost information derives economic value from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use. More specifically, public disclosure of the information would provide other utilities, independent power producers and vendors of demand-side management services details related to the Company's avoided cost components and the calculations used in the Company's FIRE Model that determine pricing and cost effectiveness of marketing programs, individual customer loads, and certain supply-side and demand-side options. This information would bestow an unfair advantage on such entities with respect to resource planning, projected generation costs and DSM program development and contracting. If suppliers had access to such information, it would place Gulf Power at an economic disadvantage and provide an economic advantage to its competitors and/or bidders who have access to such information, which could increase costs to Gulf Power and result in higher rates to customers. Gulf Power's ability to negotiate the optimum price and contract terms and conditions would be undermined if competitors and suppliers were given access to the company's costs through disclosure of this information. Finally, Gulf Power's competitors are not required to disclose their avoided cost components. The Confidential Information is subject to substantial procedures to maintain its secrecy. Only select Gulf Power personnel and their legal counsel are granted access to the information. Those personnel receive access only on a "need to know" basis. Consequently, this information is entitled to confidential classification pursuant to section 366.093(3)(a) and (e), Florida Statutes. The Commission has previously recognized that information contained within Gulf Power's FIRE Model constitutes proprietary confidential business information as defined in section 366.093, Florida Statutes. See e.g., Order No. PSC-14-0367-CFO-EI and Order No. PSC-14-0369-CFO-EI.

(2) These files includes residential, commercial and industrial customer names, account numbers, premise numbers, consumption data and/or rate schedules under which such customers take service. With respect to commercial and industrial customers, the disclosure of this information could allow other customers to gain a competitive advantage over the identified customers by analyzing such data. As such, public disclosure of the information contained on these pages would adversely affect the competitive interests of the listed accounts and their ability to contract for goods and services on favorable terms. This information is competitively sensitive and confidential pursuant to section 366.093(3)(e), Florida Statutes. Moreover, Gulf has historically protected information such as customer names, account numbers, premise numbers and consumption data in recognition of its customers' expectations of privacy. Public disclosure of this information could provide wrongdoers with access to customer accounts and could potentially subject Gulf to

lawsuits for wrongful disclosure of customer information. As recognized in Florida Power & Light v. Florida Public Service Commission, 31 So.3d 860 (Fla. 1st DCA 2010), the categories of confidential information referenced in section 366.093(3)(a)-(f), Florida Statutes, are not exclusive. The statute specifically provides that proprietary confidential business information “includes, but is not limited to” the information identified in subparts (a) through (f). § 366.093(3), Fla. Stat. While not specifically enumerated in the statute, the foregoing information constitutes proprietary confidential business information pursuant to section 366.093(3), Florida Statutes. See e.g., Order No. PSC-09-0162-CFO (finding that customers’ personally identifiable information qualifies as proprietary confidential business information under the statute).

EXHIBIT "B"

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: **Commission Review of Numeric**)
Conservation Goals (Gulf Power Company))

Docket No.: **20190016-EG**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by overnight mail this 6th day of May, 2019 to the following:

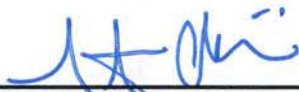
Earthjustice
Bradley Marshall
Bonnie Malloy
Jordan Luebke
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
bmalley@earthjustice.org
bmarshall@earthjustice.org
jluebke@earthjustice.org
flcaseupdates@earthjustice.org

Office of Public Counsel
J.R. Kelly/P. Christensen
T. David/A. Fall-Fry
c/o The Florida Legislature
111 W. Madison Street,
Room 812
Tallahassee, FL 32399-1400
christensen.patty@leg.state.fl.us
kelly.jr@leg.state.fl.us
david.tad@leg.state.fl.us
fall-fry.mireille@leg.state.fl.us

Office of the General Counsel
Margo DuVal
Rachael Dziechciarz
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850
mduval@psc.state.fl.us
RDziechc@psc.state.fl.us

Florida Department of Agriculture and
Consumer Services
Allan J. Charles/Joan T. Matthews
Brenda Buchan
The Mayo Building
407 South Calhoun Street, Suite 520
Tallahassee, FL 32399
Allan.Charles@freshfromflorida.com
Joan.Matthews@freshfromflorida.com
Brenda.Buchan@freshfromflorida.com
[Terryann.Adkins-
Reid@freshfromflorida.com](mailto:Terryann.Adkins-Reid@freshfromflorida.com)

Southern Alliance for Clean Energy
c/o George Cavros, Esq.
120 East Oakland Park Blvd.
Fort Lauderdale, FL 33334
george@cleanenerg.org


RUSSELL A. BADDERS
VP & Associate General Counsel
Florida Bar No. 007455
Russell.Badders@nexteraenergy.com
Gulf Power Company
One Energy Place
Pensacola FL 32520-0100
(850) 444-6550

STEVEN R. GRIFFIN
Florida Bar No. 0627569
srg@beggsllane.com
Beggs & Lane
P. O. Box 12950
Pensacola FL 32591-2950
(850) 432-2451