



May 29, 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 Staff's Second Request for Production of Documents (No. 5) 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

C. Shane Boyett
Regulatory, Forecasting and Pricing Manager

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Enclosures

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

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2019 MAY 30 AM 10:09
COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No.: 20190016-EG
Filed: May 30, 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 Commission Staff's ("STAFF") Second Request for Production of Documents (No. 5) ("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 is contained within multiple electronic files which reflect: 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 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 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. 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.

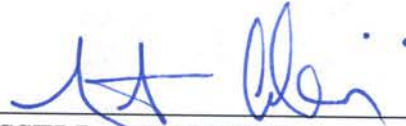
Requested Duration of Confidential Classification

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 29th day of May, 2019.

Respectfully submitted,



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EXHIBIT "A"

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
PORTIONS OF GULF POWER'S RESPONSES
TO STAFF'S SECOND REQUEST FOR PRODUCTION**

<u>Request No.</u>	<u>File Names</u>	<u>Detailed Description</u>	<u>Rationale</u>
POD 5	BalancedLS_Class; CSSPROD_NAICS and Tariff Query Using List FINAL; Gulf saturation survey data; gulf_file_for_nexant_item3_CSS_billin g_data_11-13-2017; gulf_file_for_nexant_item3_CSS_data_ 11-6-2017; intervaldata; Technical Feasibility Data	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.	(1)

(1) These files include 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 29th day of May, 2019 to the following:

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