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January 23, 1991

# DECLASSIFIED

Mr. Steve C. Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301

910001-EI

Re: Docket No.: ~~900001-EI~~

Dear Mr. Tribble:

Pursuant to my recent discussions with Ed Tellechea in your legal department, this will document resubmittal of Gulf Power Company's Supplemental Request for Specified Confidential Treatment in the above docket. By way of background, Gulf's Preliminary Motion for Protective Order and Request for Confidential Treatment in this docket was filed on July 30, 1990. Supplied with the Preliminary Motion were copies of certain fuel contracts requested by the Office of Public Counsel; at the time of filing, Gulf had not received authorization from other contracting parties to release certain of the contracting parties, so preliminarily requested confidentiality for those entire contracts (pages 1 - 502 of the package submitted as Exhibit B to Gulf's Preliminary Motion) pending such authorization. As for the remaining pages of Exhibit B, Gulf submitted with its Preliminary Motion a line-by-line justification matrix as Exhibit D, requesting confidentiality for only portions of the contracts.

Subsequently, on or about August 15, Gulf, having received authorization for partial release of the fuel contracts identified as pages 1 - 502 to Exhibit B to Gulf's Preliminary Motion, Gulf filed its Supplemental Request for Confidential Treatment along with a line-by-line justification matrix attached as Exhibit C to that Supplemental Request and highlighted and edited copies of the documents for which confidentiality was requested. From conversations with Mr. Tellechea, however, it has come to our attention that Exhibit C, the justification matrix, inadvertently failed to address certain information which was highlighted and edited as confidential on the fuel contracts themselves. Accordingly, the materials in the attached envelopes were returned to us for review and resubmittal.

DOCUMENT NUMBER-DATA

00733 JAN 23 1991

FLS-RECORDS/REPORTING

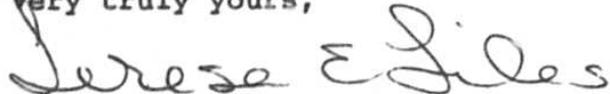
Mr. Steve Tribble  
January 23, 1991  
Page Two

Having reviewed the materials previously submitted, we are enclosing for filing an original and fifteen (15) copies of the Revised Exhibit C to Gulf's Supplemental Request for Confidential Treatment which corrects the defects pointed out by Mr. Tellechea and identifies, with line-by-line justification, all information contained in the fuel contracts for which confidentiality is requested. We are also returning the materials previously returned to us by Mr. Tellechea, as neither Gulf's Supplemental Request nor the edited or highlighted copies of the fuel contracts have changed by virtue of the Revised Exhibit C.

I hope that the foregoing, together with the documents attached, will clear up the confusion surrounding Gulf's Request for Confidential Classification as to these fuel contracts. Should you or the legal staff have any additional questions or concerns, or require any additional information, however, please do not hesitate to contact me.

Thank you very much for your assistance.

Very truly yours,



Teresa E. Liles  
For the Firm

enclosures

cc: Mr. Ed Tellechea  
Legal Department  
Florida Public Service Commission

REVISED EXHIBIT C

LINE-BY-LINE JUSTIFICATION MATRIX

Due to the volume of the documents requested and the similarity of justifications offered for specific information deemed by Gulf and other contracting parties to constitute proprietary, confidential business information, the references described below will be incorporated in the attached line-by-line justification matrix:

Reference

Justification

1

These items contained in the Table of Contents, referred to in the definitional sections, and described in section 6.2 of the agreement, refer to a provision for a Deferred Tonnage Option which, in its entirety, is entitled to confidential treatment under Section 366.093(3)(d). The deferred tonnage option is a concession granted to the seller by Gulf, after negotiations, disclosure of which would adversely impact Gulf's bargaining position with other coal suppliers, to the ultimate detriment of both Gulf and the ratepayers.

2

As with the Deferred Tonnage Option, (Reference No. 1) references to Price Renegotiation and Price Adjustments in the Tables of Contents, definitional sections, and specific sections identifies contractual data which, in its entirety, is entitled to confidential treatment under

DOCUMENT NUMBER DATE

00733 JAN 23 1991

FPC RECORDS/REPORTING

Section 366.093(3)(d) as well as Section 366.093(3)(e). These provisions represent a major concession on the part of both Gulf and the contracting parties, reached through negotiation, disclosure of which would adversely effect Gulf's bargaining position with other coal suppliers, to the ultimate detriment of both the Company and the ratepayers. Likewise, if this concession were made public, the competitive interests of the provider of the information would be impaired with respect to future buyers.

3

The Tables of Contents' references to changes in Environmental Requirements, is also entitled to confidential treatment under Section 366.09(3)(e), as are the provisions to which the Table of Contents refers. These provisions represent a major concession on the part of the supplier, reached through negotiation, disclosure of which would impair the supplier's competitive interests in negotiating future contracts.

4

References to the terms of the Agreements and options for extensions of terms, are entitled to confidential treatment under Section 366.093(3)(d) as contractual data which would impair Gulf's future bargaining position with other coal suppliers. These references, if disclosed, would allow competing vendors to adjust their negotiating position to

Gulf's disadvantage, and to the disadvantage of the ratepayers, by revealing Gulf's anticipated needs, thus eliminating the opportunity to freely negotiate future contracts.

5

References to the quantity of coal contracted for are entitled to confidential treatment under Section 366.093(3)(d), and (e) as contractual data, disclosure of which would impair Gulf's future bargaining position with other coal suppliers, and would also impair the competitive business interests of the provider of the information. By revealing Gulf's anticipated needs, i.e., the quantity of coal contracted for, especially the minimum quantity specified in the Agreements, competing vendors would be able to adjust their bids to Gulf's disadvantage. Likewise, the competitive interests of the provider of the information would be adversely affected in future negotiations since potential buyers would have advance notice of the vendor's capacity to provide the referenced quantities.

6

References to base price and price components, as well as referenced to various indices used to calculate price components, constitute contractual data which is entitled to confidential treatment under Section 366.093(3)(d) and (e). Disclosure of the prices negotiated between Gulf and various vendors would adversely affect Gulf's future

bargaining position with other vendors with access to the price Gulf is willing to pay, and whose bids will therefore be tailored accordingly. Likewise, disclosure of price terms deemed acceptable by the vendors would impair the competitive interests of the provider of the information in future negotiations with potential buyers who will have anticipated the price the vendor is willing to accept for its product.

7

Arbitration provisions are entitled to confidential treatment under Section 366.093(3)(d) and (e), since neither Gulf nor the coal vendors who have negotiated arbitration provisions in the contracts may wish to allow for arbitration in future contracts. Even if arbitration provisions were routinely negotiated in future coal contracts, the parties may wish to include terms and conditions different from those sought to be classified as confidential herein, and thus disclosure of those terms and conditions would impair Gulf' future bargaining position as well as the competitive interests of the provider of the information.

8

This coal specification information is entitled to confidential classification under Section 366.093(3)(d), as it reveals the point at which Gulf will terminate the agreement for noncompliance. This concession, if made available to other coal suppliers, would effectively

preclude Gulf from ever negotiating a more stringent compliance percentage.

These items should be maintained as confidential contractual data and proprietary information under Section 366.093(3)(d). Gulf is not a party to the Transportation Agreement between Peabody and Orgulf, and is not at liberty to release that contract, which was provided to Gulf in confidence. If Gulf were forced to disclose that Agreement, its relationship with Peabody and Orgulf would be severely strained, impairing Gulf's ability to negotiate with those companies in an open manner and under favorable terms in the future.

LINE BY LINE JUSTIFICATION

<u>Page(s)</u> [2]	<u>Line(s)</u> [3]	<u>Justification Reference(s)</u>
1	9	4
11	9-10, 13-14, 16	5
16	21	1
18	4	2
18	16	3
22	26-28	1
23	2-17	1
24	2-28	1, 2, 6
25	2-3	2
26	24, 26	4
30	15-20, 27-30	5
31	3-13	5
31	14-29	1
32	3-30	1
33	2-7	1
37	10-29	2

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[2]Page numbers refer to the sequentially numbered pages of Exhibit A, and do not refer to the original typed or printed page numbers of specific contracts.

[3]Line numbers refer to printed lines per page, where pages are line numbered; typed lines counting from the top of the page where pages are not line-numbered; and typed lines excluding pre-printed text on documents such as invoices which contain both typed and printed lines.

<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
38	2-21	2
43	10-11	2, 6
44	2-8	2, 6
45	12	6
47	3, 22	6
48	21	6
49	7, 17	6
50	5	6
51	13, 19-27	6
52	17, 24-26, 28-29	6
54	24	6
55	21, 27-28	6
56	2-15	6
57	7	6
58	24-25	6
59	2	6
64	6	6
67	5-6, 24-28	6
68	2-4, 6-16	6
69	4-7	6
70	14, 20-27	6

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72	16-28	2
73	2-28	2, 4
74	2-28	2
75	2-28	2
76	2-12	2
87	9-28	3
88	2-28	3
89	2-28	3
90	2-28	3
91	2-28	3
92	2-28	3
93	2-13	3
109	5, 7-9, 11, 13-14, 17-18, 20-24, 27-29, 31	6
110	11-16, 18-22	6
111	9-14, 16-20	6
112	6-11, 13-14	6
113	8, 10, 12, 16, 20, 22-23	6
114	7-9, 11, 13, 17, 19-20, 22-23, 25-26, 28-29	6
115	5-7, 9, 11-16, 18-19, 21-22	6
116	6-9, 11-18, 20-21	6

<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
117	6-8, 10-13, 15, 17, 19, 21-22	6
118	7-16	6
119	9-10, 12, 14, 16-17	6
120	6, 8-11, 14, 16-19, 21-22, 24-25	6
121	12-17, 20-23	6
122	11-12, 15, 18, 20, 22	6
123	7-17, 19-20, 22-23	6
125 through 174	all	9
130	3-4	2
130	15, 17	4
130	20-29	2
131	3-26	2
133	25-28	5
134	15-18	5
134	21-29	5
135	9-10, 12	5
136	5, 7, 16-17	5
140	10-28	2
141	3-29	2
142	3-29	2

<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
143	3-29	2
144	3-29	2
145	3-21	2
147	16, 19, 21	5
150	12	5
152	4-5	6
168	22	6
169	4-5	6
170	14-15	6
172	11-19	6
173	8, 11	5
175	12-20, 23-26	6
176	9-10, 12, 14, 16, 18	6
177	7-20, 22-23	6
178	8-9, 11, 13, 16, 18	6
179	15-16	5, 6
180	14, 20-21, 23-25	5, 6
189	34-39	6
190	4-46	2, 6
198	4-15	5
199 through 202	all	9

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200	19-24, 31	6
201	7, 9, 11, 46	2, 6
202	5-51	2, 6
204	23-25	2
204	31-37, 45-54	2, 4, 5
205	1-2, 8-11, 26	5
205	48-54	4, 5
206	2-55	2, 4, 5
207	2-55	2, 4, 5
208	1-7	1, 4, 5
209	46-47, 49-50, 52-53	6
210	10-21	2, 5
210	31-32, 34-46	6
211	4-16, 30-54	2, 6
212	1-35	2, 6
213	3	2
216	14-15, 17-18, 20	5
221	3-5, 44	5, 6
222	5, 9-10, 15-27 29	5
228	3-5, 44	5, 6
229	5, 9-10, 15-27, 29	5

<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
233	3-5, 44	5, 6
234	5, 9-10, 15-27 29	5
238	3-5, 44	5, 6
239	5, 9-10, 15-27 29	5
241	35, 37, 40	5, 6
242	33	5
245	35, 37, 40	5, 6
246	33	5
251	27, 29	5, 6
252	22, 24	5, 6
257	10	6
258	20-28, 34-35	6
259	4-40	6
260	4-9, 11-12	6
261	3-5, 8-29	2
262	3-5, 8-19	2
263	13-17	2, 6
264	20-30, 34-35	2, 6
265	4-12, 14-21, 23-40	2, 6
266	4-12	2, 6
267	3-5, 8, 10-23, 26-31	2, 6

<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
268	3-5, 8-19	2, 6
269	9-14	2, 6
271	4-9, 11-15, 20	5, 6
272	33	5
273	4, 36, 38	5, 6
275	29, 31	5, 6
276	5-7	5, 6
279	6-19, 25-26	6
281	5, 20-21	6
282	2-3, 11-12	6
283	11-16, 21	6
284	6	6
285	13-15	6
288	9, 11-13, 20-23, 25	6
289	3-24, 33	6
290	22	6
291	1-8, 16, 20-28	6
292	15-19, 25	6
293	10	6
294	22-23	6
296	3-15	4, 5
299	24-29	2

<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
300	1-27	2
301	1-27	2
302	1-10	2
304	5-14	6
305	6-29	6
306	7-15, 19, 21, 23 25, 27, 29-31	6
307	4-9, 14-26	6
308	5-6, 8, 13-22, 25, 27, 29, 31, 33-36	6
309	4, 6-10, 12-18, 23-31	6
310	3-7, 10-11, 13, 18-27	6
311	5, 7, 9, 11, 13-16, 18-22	6
312	3-8, 10-16	6
313	2-4, 8, 10, 12, 14-17, 19-20, 23-29, 32	6
314	11-31	6
315	8-28	6
316	11-22	6
317	9-20	6
318	13-17, 20-21	6

<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
319	10-14, 17-18	6
322	17-37	6
328	16-20, 26-27	4, 5
331	22-24, 26-29, 32-35	2, 6
332	11-15, 22-24, 26-31, 35-36	6
333	10, 12-14, 17-21	6
334	18-19, 21-24 28-35	6
336	19-34	6
337	4-13, 15-17, 20-24, 28-35	6
341	4, 9-11, 14-16	5, 6
343	18-23	6
344	2, 14-15, 17-19	6
345	5	6
349	25	7
*[354	18-20	4 ]
*[355	1-10, 13	4, 6 ]

\* Although the referenced page and line numbers contain information concerning the term of the agreement and price date, these pages have been made public record in other forums and thus confidentiality is not requested for this information herein. Release of this information should not be construed, however, as a waiver of confidentiality as to all other price and term information.

<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
356	2	6
357	8-9, 12	5, 6
358	18-19, 21-22	5
360	14-15, 17	5, 6
365	16, 24	6
366	1, 11-27	6
367	1-6, 15-18	6
368	20-22, 25	6
369	2-4	6
370	1, 8-9	6
371	1	6
372	17-19	6
*[377	15-22, 26-27	4, 5
*[378	2-6	4, 5
391	3, 5	4
392	2, 4	4
394	23-25	7
395	1-25	7

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<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
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400	11-12	4, 5
405	3-8, 10-11	6
406	7-18, 22-24	6
407	7-10, 12-18	6
408	7, 9-10, 12-20, 22, 24-26	6 6
409	9-27	6
410	3-15, 18, 20-22, 24, 26	6
411	10-14, 16-17, 19	6
412	7-11, 15-18, 20	6
414	7, 9-10, 12, 16, 20, 22-23, 25-26, 28	6
420	58	3
423	128	6
426	217	6
*[427	248-249	2, 4 ]
427	249-259	2, 4

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<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
428	264-274	2, 4
*[428	278-279	6, 5
430	330-331	2, 4, 6
431	376	6
432	383-388, 395, 397	6
433	418, 422-425, 427-429, 435-436	6
434	449-451, 466-467	6
435	474-478, 485, 487	6
436	502	6
439	606	6
441	667	6
442	678, 687, 694	6
443	707, 715	6
448	878	5
449	885-888, 897	5
459	1191	8

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<u>Page(s)</u>	<u>Line(s)</u>	<u>Justification Reference(s)</u>
460	1232, 1234, 1236	6
461	1264-1265	2, 6
462	1293	6
477	1729	6
481	5-9	6
482	12-16, 18, 20-22	6
483	6-10, 12, 14-16	6
484	9-16, 18, 20-22	6
485	6-13, 15, 17-19	6
486	6, 10-12, 14, 16-18	6
487	6-8, 10, 12-14	6
488	12, 14-16, 20-23, 26-29	6
489	10-13, 16-19, 27-30	6

EAG

MEMORANDUM

8-1-90

- TO :  / / DIVISION OF AUDITING AND FINANCIAL ANALYSIS
- / / DIVISION OF COMMUNICATIONS
- / / DIVISION OF ELECTRIC AND GAS
- / / DIVISION OF RESEARCH
- / / DIVISION OF WATER AND SEWER
- / / DIVISION OF LEGAL SERVICES

RECEIVED  
 FLORIDA PUBLIC SERVICE COM.  
 AUG 2 1990  
 ELECTRIC AND GAS

FROM: DIVISION OF RECORDS AND REPORTING (FLYNN)

RE : CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO.: 6828-90 (received 7-30-90)

DESCRIPTION: Documents in response to OPC's  
5-30-90 Request for Production of Documents

SOURCE: Gulf Power Company

DOCKET NO.: 900001-EI

The above material has been received with a request for confidential treatment (attached). Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. You must prepare and forward a recommendation within 10 working days from the date of this memorandum. Copies of your recommendation should also be provided to the Division of Records and Reporting and to the Division of Appeals.

Please read each of the following and mark the appropriate boxes.

- / /  / / The document(s) is (are), in fact, what the utility asserts it (them) to be.  
Yes No
- / /  / / The utility has provided enough details to perform a reasoned analysis of its request.  
Yes No
- / /  / / The material has been received incident to an inquiry.  
Yes No

MEMORANDUM  
RE: CONFIDENTIALITY  
PAGE TWO

         The material is confidential business information because  
Yes No it includes:

- (a) Trade secrets;  
Yes No
- (b) Internal auditing controls and reports of  
Yes No internal auditors;
- (c) Security measures, systems, or procedures;  
Yes No
- (d) Information concerning bids or other  
Yes No contractual data, the disclosure of which  
would impair the efforts of the company to  
contract for services on favorable terms;
- (e) Employee personnel information unrelated to  
Yes No compensation, duties, qualifications, or  
responsibilities;
- (f) Tax returns or tax related information.  
Yes No

         The material appears to be confidential in nature and  
Yes No harm to the company or its ratepayers will result from  
public disclosure.

         The material appears not to be confidential in nature.  
Yes No

         The material is a periodic or recurring filing and  
Yes No each filing contains confidential information.

RESPONSE from:

---

Date: \_\_\_\_\_

cc:    RAR  
   CMU  
   EAG  
   LEG  
   RCH  
   WAS  
   AFA

EAG

MEMORANDUM

8-16-90

- TO :  DIVISION OF AUDITING AND FINANCIAL ANALYSIS
- DIVISION OF COMMUNICATIONS
- DIVISION OF ELECTRIC AND GAS
- DIVISION OF RESEARCH
- DIVISION OF WATER AND SEWER
- DIVISION OF LEGAL SERVICES

RECEIVED  
 FLORIDA PUBLIC SERVICE COMM.  
 AUG 17 1990  
 ELECTRIC AND GAS

FROM: DIVISION OF RECORDS AND REPORTING (FLYNN)

RE : CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO.: 7441-90

DESCRIPTION: Documents in response to OPC's  
5-30-90 1st Request for Production of Documents

SOURCE: Gulf Power Company (NOTE: SEE DN 7377-90, Supplemental Motion for Protective Order, for request for confidential handling.)  
DOCKET NO.: 900001-EI

The above material has been received with a request for confidential treatment (attached). Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. You must prepare and forward a recommendation within 10 working days from the date of this memorandum. Copies of your recommendation should also be provided to the Division of Records and Reporting and to the Division of Appeals.

-----  
Please read each of the following and mark the appropriate boxes.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.  
Yes No
- The utility has provided enough details to perform a reasoned analysis of its request.  
Yes No
- The material has been received incident to an inquiry.  
Yes No

MEMORANDUM  
RE: CONFIDENTIALITY  
PAGE TWO

  /  /   The material is confidential business information because  
Yes No it includes:

- /  /   (a) Trade secrets;  
Yes No
- /  /   (b) Internal auditing controls and reports of  
Yes No internal auditors;
- /  /   (c) Security measures, systems, or procedures;  
Yes No
- /  /   (d) Information concerning bids or other  
Yes No contractual data, the disclosure of which  
would impair the efforts of the company to  
contract for services on favorable terms;
- /  /   (e) Employee personnel information unrelated to  
Yes No compensation, duties, qualifications, or  
responsibilities;
- /  /   (f) Tax returns or tax related information.  
Yes No

  /  /   The material appears to be confidential in nature and  
Yes No harm to the company or its ratepayers will result from  
public disclosure.

  /  /   The material appears not to be confidential in nature.  
Yes No

  /  /   The material is a periodic or recurring filing and  
Yes No each filing contains confidential information.

RESPONSE from:

---

Date: \_\_\_\_\_

cc:   /   RAR  
  /   CMU  
  /   EAG  
  /   LEG  
  /   RCH  
  /   WAS  
  /   AFA