

Terry A. Davis
Assistant Secretary and
Assistant Treasurer

One Energy Place
Pensacola, Florida 32520-0786

Tel 850.444.6664
Fax 850.444.6026
TADAVIS@southernco.com

11 NOV 23 AM 11:25



COMMISSION
CLERK

11 NOV 23 AM 11:20

RECEIVED-FPSC

110321-ET

November 22, 2011

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

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

RE: Undocked

For DN 08598-11, which
is included herein. You may file
an affidavit to view this ECR-DOK

Dear Ms. Cole:

Enclosed are an original and seven copies of Gulf Power Company's Request for Confidential Classification pertaining to portions of the Commission's Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry (PA-10-10-004). The seven copies do not include copies of the exhibits due to the voluminous nature of the documents. Also included is a DVD of Gulf's Request for Confidential Classification and Exhibit C in Microsoft Word format.

Sincerely,

nm

Enclosures

cc: Beggs and Lane
Jeffrey A. Stone, Esq

COM _____
APA _____
ECR 5+1 CD
GCL 1
RAD _____
SRC _____
ADM _____
OPC _____
CLK McLean

DOCUMENT NUMBER-DATE

08597 NOV 23 =

FPSC-COMMISSION CLERK

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
November 22, 2011
Page 2

bc w/encl.: J. Vick
M. Markey
K. Beaty
C. Boyett

bc w/o encl.: S. Ritenour
B. Terry
R. Dodd

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION For DN 08598-11, which is in locked storage. You must be authorized to view this DN.-CLK

IN RE: Review of Coal Combustion
Residual Storage and Disposal Processes of
the Florida Electric Industry

Docket No.: Undocketed
Date: November 22, 2011

REQUEST FOR CONFIDENTIAL CLASSIFICATION

GULF POWER COMPANY ["Gulf Power", "Gulf", or the "Company"], by and through its undersigned attorneys and pursuant to Rule 25-22.006, Florida Administrative Code, hereby files a request that the Florida Public Service Commission enter an order protecting from public disclosure certain information produced by Commission Staff and Gulf Power in connection with the Commission's Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry (PA-10-10-004) (the "Review"). As grounds for this request, the Company states:

1. As described in detail below, a portion of the information submitted by Gulf Power in response to Commission Data Requests and also included Staff's Draft Report to the Commission (the "Report") constitutes "proprietary confidential business information" as defined by section 366.093(3), Florida Statutes.

Staff's Report

2. Staff's Draft Report includes information relating to Gulf's competitive interests, the disclosure of which would impair the competitive business of Gulf Power. Specifically, the Report details the quantities of Coal Combustion Residues ("CCRs") produced, disposed of and marketed between 2008 and 2010 and the costs and revenues associated with the same. As noted in the Report, Gulf actively markets some CCRs for beneficial uses. Disclosure of this information could impair Gulf's future efforts to market its CCRs to the detriment of the Company and its customers. Disclosure of this information would provide potential

FILE NUMBER-DATE

08597 NOV 23 =

FPSC-COMMISSION CLERK

counterparties with an advantage in negotiations for the purchase and sale of CCRs for beneficial reuse. Among other things, this information would enable potential purchasers to assess supply and demand and adjust the price accordingly, potentially resulting in cost increases. The foregoing information is confidential pursuant to section 366.093(3)(e), Florida Statutes.

3. Staff's Draft Report also summarizes conclusions and recommendations contained in annual CCR storage and disposal management reports from Southern Company Services' inspections. These reports present detailed findings regarding the location, makeup and safety of these facilities and recommendations for ensuring the continued safety of such facilities. The reports are the product of Company inspection policies and are in the nature of reports of internal auditors. Consequently, the information included in Staff's Draft Report is confidential pursuant to section 366.093(3)(b), Florida Statutes.

Reponses to Staff Data Requests

4. Commission Staff issued two separate Data Requests to Gulf Power in connection with the Review. In some instances, Gulf provided narrative responses to the data requests. In other instances, Gulf produced documents in support of its responses. As detailed below, portions of these narrative responses and documents constitute proprietary confidential business information.

Data Request 1 ("DR-1")

5. In response to question 2 of DR-1, Gulf produced copies of various policies and procedures developed by Gulf and the Southern Company for the inspection and management of CCR storage and disposal. The documents are considered proprietary by Gulf Power and represent the Company's best practices for operating its system. Public disclosure of this information will provide Gulf's competitors with access to the Company's internal procedures

and the specifications of its facilities. Gulf's competitors could use this information to optimize their own systems at Gulf Power's expense. This information is confidential pursuant to section 366.093(3)(e), Florida Statutes. The Commission has previously recognized that Gulf's internal policies and procedures are entitled to confidential classification for the reasons stated. See, Order No. PSC-06-0427-CFO-EI and Order No. PSC-08-0048-CFO-EI.

6. In response to question 4 of DR-1, Gulf provided estimates of the remaining capacity in its CCR storage facilities at Plants Crist, Smith, Scholz and Daniel. Information pertaining to the remaining capacity of the CCR facilities is competitively sensitive because it would enable potential purchasers of CCRs to assess the availability to Gulf Power of competing disposal or storage options. That information would allow a potential purchaser to assess demand and adjust the price accordingly, potentially resulting in cost increases. Consequently, this information is confidential pursuant to section 366.093(3)(e), Florida Statutes.

7. In response to question 11 of DR-1, Gulf produced copies of numerous internal reports concerning the CCR storage facilities at Plants Crist, Smith, Scholz and Daniel. These reports present detailed findings regarding the location, makeup and safety of these facilities and recommendations for ensuring the continued safety of such facilities. The reports are the product of Company inspection policies and are in the nature of reports of internal auditors. Consequently, this information is confidential pursuant to section 366.093(3)(b), Florida Statutes. Additionally, public disclosure of this information could impair the future security of Gulf's CCR facilities. Gulf Power, and other utilities across the nation, have a strong interest in ensuring the security of their facilities, including their CCR facilities. These internal reports provide detailed and specific information regarding the CCR facilities. A potential wrongdoer

could take the information provided in Gulf Power's documents, supplement that information with other, publicly available information, and identify points of interest for their efforts.

8. In response to question 13 of DR-1, Gulf provided data regarding the amounts of coal ash produced, disposed of and marketed between 2008 and 2010 along with the costs and revenues associated with the same. Disclosure of this information would provide potential counterparties with an advantage in negotiations for the purchase and sale of CCRs for beneficial reuse. Among other things, this information would enable potential purchasers to assess supply and demand and adjust the price accordingly, potentially resulting in cost increases. For these reasons, this information is confidential pursuant to section 366.093(3)(e), Florida Statutes.

Data Request 2 ("DR-2")

9. In response to question 1 of DR-2, Gulf provided estimates of the remaining storage capacity in its gypsum storage facilities at Plant Crist. Information pertaining to the remaining capacity of the gypsum storage facilities is competitively sensitive because it would enable potential purchasers of gypsum to assess the availability to Gulf Power of competing disposal or storage options. That information would allow a potential purchaser to assess demand and adjust the price accordingly, potentially resulting in cost increases. Consequently, this information is confidential pursuant to section 366.093(3)(e), Florida Statutes.

10. In response to question 6 of DR-2, Gulf provided copies of its responses to an Environmental Protection Agency ("EPA") information collection request ("ICR"). This response includes: (1) bid proposals from three vendors for a Flue Gas Desulphurization ("FGD") wastewater treatment system; (2) a Functional Design Specification for the FGD wastewater treatment system developed by Infilco Degremont, Inc.; and (3) two reports from

Chiyoda Corporation relating to research and development conducted by Chiyoda at the Plant Crist Mercury Research Center. The pricing components of the above-referenced bid proposals are confidential pursuant to section 366.093(3)(d), Florida Statutes. The above-referenced Functional Design Specification is the intellectual property of Infilco Degremont Inc. and is considered confidential by Infilco Degremont, Inc. Disclosure of this information could result in Infilco Degremont Inc's --and other contractors-- refusing to do business with Gulf Power in the future or charging higher prices for their services. This information is confidential pursuant to section 366.093(3)(d) and (e). The above-referenced reports developed by Chiyoda Corporation are the intellectual property of Chiyoda Corporation and are considered confidential by Chiyoda Corporation. Chiyoda Corporation devoted significant resources toward development of the conclusions reflected in these reports. The conclusions and the processes used to develop the conclusions are not publicly known, are of value to Chiyoda Corporation and would be valuable to other market participants. Disclosure of this information could result in Chiyoda Corporation --and other market participants-- refusing to do business with Gulf Power in the future. This information is confidential pursuant to section 366.093(3)(d) and (e).

11. In response to question 7 of DR-2, Gulf provided data regarding the amounts of CCR's produced, disposed of and marketed between 2008 and 2010. Disclosure of this information would provide potential counterparties with an advantage in negotiations for the purchase and sale of CCRs for beneficial reuse. Among other things, this information would enable potential purchasers to assess demand and adjust the price accordingly, potentially resulting in cost increases. Consequently, this information is confidential pursuant to section 366.093(3)(e), Florida Statutes.

12. The information filed pursuant to this Request is intended to be, and is treated as, confidential by the Gulf Power and, to this attorney's knowledge, has not been otherwise publicly disclosed.

13. Submitted as Exhibit "A" are copies of the subject documents. The information for which confidential classification is requested is highlighted in yellow. Exhibit "A" should be treated as confidential pending a ruling on this request. Attached as Exhibit "B" are two (2) edited copies of the subject documents, which may be made available for public review and inspection. Attached as Exhibit "C" to this request is a line-by-line/field-by-field justification for the request for confidential classification.

WHEREFORE, Gulf Power Company respectfully requests that the Commission enter an order protecting the information highlighted on Exhibit "A" from public disclosure as proprietary confidential business information.

Respectfully submitted this 22nd day of November, 2011.



JEFFREY A. STONE
Florida Bar No. 325953
RUSSELL A. BADDERS
Florida Bar No. 007455
STEVEN R. GRIFFIN
Florida Bar No. 0627569
Beggs & Lane
P. O. Box 12950
Pensacola, FL 32591
(850) 432-2451
Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Review of Coal Combustion
Residual Storage and Disposal Processes of
the Florida Electric Industry

Docket No.: Undocketed
Date: November 22, 2011

REQUEST FOR CONFIDENTIAL CLASSIFICATION

EXHIBIT "A"

Provided to the Commission Clerk under separate cover as confidential
information.