

Robert L. McGee, Jr.
Regulatory & Pricing Manager

One Energy Place
Pensacola, Florida 32520-0780

Tel 850.444.6530
Fax 850.444.6026
RLMCGEE@southernco.com



September 25, 2013

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

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13 SEP 26 AM 9:43
COMMISSION
CLERK

RE: Docket No. 130140-EI

Dear Ms. Cole:

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 Amended First Request for Production of Documents (Nos. 1-4). 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 format as prepared on a Windows based system. A copy of the confidential documents are provided on a separate DVD labeled "Confidential."

Sincerely,

Robert L. McGee, Jr.

md

Enclosures

cc: Beggs & Lane
Jeffrey A. Stone, Esq.
Gunster Law Firm
Charles A. Guyton, Esq.
Richard A. Melson, Esq.

COM _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No.: 130140-EI
Date: September 26, 2013

**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 documents and information produced in response to Commission Staff's Amended First Request for Production of Documents to Gulf Power (Nos. 1-4) ("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 consists of a functioning electronic version of the model used to develop Gulf Power's cost of service study in this proceeding. This model is being produced in response to Document Request No. 2. The responsive 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, but is not limited to "[i]nformation concerning . . . contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms."

Subsection 366.093(3)(d), Florida Statutes. Proprietary confidential business information also 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. The Confidential Information that is the subject of this request and motion falls within the 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. Attached hereto as Exhibit "B" is a public version of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

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

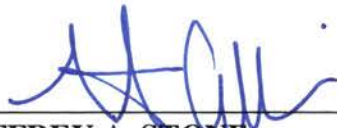
6. Gulf Power requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the Company is in need of confidential classification 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 "C" 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 "C" 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 25th day of September, 2013.

Respectfully submitted,



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

EXHIBIT "A"

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
HIGHLIGHTED PORTIONS OF GULF POWER'S RESPONSES
TO STAFF'S FIRST AMENDED REQUEST FOR PRODUCTION OF DOCUMENTS
(NOS. 1-4)**

<u>POD Request No.</u>	<u>File Name</u>	<u>Detailed Description</u>	<u>Rationale</u>
2	E-1,3,4,5,6,9,10 NON-MDS_Entire_CONF	Functioning Model is Confidential in its Entirety	(1)

-
- (1) This file includes a functioning electronic version of the model used to develop Gulf Power's cost of service study in this proceeding. While the outputs of the cost of service study are not themselves confidential, the functioning model and its underlying formulae are. The Southern Company and its affiliates have expended significant resources in developing the model for use in the course of business. The model has not been publicly disclosed, is of value to Gulf Power's and its affiliates' business and would provide an economic advantage to Gulf Power's competitors in the event of public disclosure. Public utilities within the State of Florida and across the United States regularly conduct cost of service studies in the course of business. In order to conduct such studies, utilities can develop their own cost of service model, purchase a model on the open market, or retain the services of a third party. Each alternative comes at significant cost. If Gulf Power's functioning model was publicly disclosed, competing utilities and third party vendors could utilize the model in their own businesses, resulting in significant cost savings at Gulf Power's expense. Moreover, the model not only determines the rates of return for the retail jurisdiction and retail tariffs, it also can infer the approximate rate of return for Gulf's wholesale customers. Disclosure of the model to Gulf's wholesale customers would impact Gulf Power's ability to conduct effective wholesale contract pricing. Enabling potential wholesale customers to employ the model to estimate Gulf's possible offer positions could weaken Gulf's competitive capability. Gulf's model is protected by copyright laws and international treaty provisions. For all of the foregoing reasons, the model is entitled to confidential classification pursuant to 366.093(3)(e), Florida Statutes.

EXHIBIT "B"

PUBLIC VERSION(S) OF THE DOCUMENT(S)

The file identified on Exhibit "A" to this request is considered confidential in its entirety.

PUBLIC VERSION(S) OF THE DOCUMENT(S)

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document(s) with the Confidential Information redacted.

Public Version(s) of the Document(s) attached X

Public Version(s) of the Document(s) previously filed on _____

EXHIBIT "C"

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: Petition for Increase in Rates)
By Gulf Power Company)
)

Docket No.: 130140-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by overnight mail this 25th day of September, 2013:

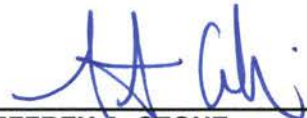
J. R. Kelly/Joseph A. McGlothlin
Charles J. Rehwinkel
Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
mcglothlin.joseph@leg.state.fl.us

Jon C. Moyle, Jr.
Karen Putnal
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

Federal Executive Agencies
c/o Lt. Col. Gregory J. Fike
Christopher Thompson
Thomas A. Jernigan
Greg Meyer
AFLOA/JACE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Afb, FL 32403
gregory.fike@us.af.mil
Christopher.Thompson.5@us.af.mil
Thomas.jernigan@us.af.mil
gmeyer@consultbai.com

Suzanne Brownless
Martha Barrera/Martha Brown
Office of the General Counsel
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850
sbrownle@psc.state.fl.us
mbarrera@psc.state.fl.us
mbrown@psc.state.fl.us

Robert Scheffel Wright
John T. La Via, III
c/o Gardner Law Firm
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com



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 32591-2950
(850) 432-2451
Attorneys for Gulf Power