

November 5, 2001

Ms. Blanca S. Bayo, Director Division of the Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee FL 32399-0870

Dear Ms. Bayo:

RE: Docket No. 010001-El

Enclosed are an original and ten copies of Gulf Power Company's Request for Confidential Classification for the Company's responses to interrogatories numbered 46, 47, 68, 69, 70, and 71 of Staff's Second Set of Interrogatories to Gulf Power Company, Nos. 14-138, in the above docket.

Sincerely,

Susan D. Ritenour

**Assistant Secretary and Assistant Treasurer** 

Susan D. Ritenous

lw

**Enclosure** 

cc: Beggs and Lane

Jeffrey A. Stone, Esquire

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and purchased power cost recovery clause and generating performance incentive factor

Docket No.:

010001-EU

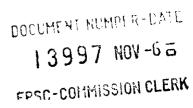
Date Filed:

November 5, 2001

#### REQUEST FOR CONFIDENTIAL CLASSIFICATION

GULF POWER COMPANY ["Gulf Power", "Gulf", or the "Company"], by and through its undersigned attorney 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 the Company's responses to interrogatories numbered 46, 47, 68, 69, 70 and 71 of Staff's Second Set of Interrogatories to Gulf Power Company (Nos. 14-138). As grounds for this request, the Company states:

- 1. On October 16, 2001, Gulf submitted its responses to interrogatories numbered 46, 47, 68, 69, 70 and 71 of Staff's Second Set of Interrogatories to Gulf Power Company (Nos. 14-138) under a Notice of Intent to Request Confidential Classification. This information is entitled to confidential classification pursuant to §366.093(3)(a), (d) and (e), Florida Statutes, as information, the public disclosure of which would cause irreparable harm to the competitive interests of Gulf Power and the ability of Gulf to enter into contracts on terms favorable to it and its ratepayers. The information for which confidential classification is sought is intended to be and is treated by Gulf Power Company as private and is not otherwise publically available.
- 2. The responses to interrogatory numbers 46 and 47 contain proprietary and commercially sensitive information regarding Gulf Power, which if disclosed to the general



public would cause irreparable harm to Gulf Power. Specifically, the response is a listing of the types of fossil fuel burned in 2000 by type and length of contract as well as the same information for the 2001 period. This information is entitled to confidential classification pursuant to §366.093(3)(a) and (e), Florida Statutes. Gulf and other members of the market in which it competes consider this type of information to be trade secret and competitively sensitive. This information generally describes Gulf's position in the fuel market with regard to how it manages its fuel procurement and the terms on which it makes fuel purchases. Gulf's competitors are not required to disclose this information or information similar to it such that Gulf could gain the same competitive advantage that its competitors gain from this information. Disclosure of this information may adversely affect Gulf's ability to manage its fuel procurement in a manner that secures the best price and terms for its customers fuel needs.

3. The responses to interrogatory numbers 68, 69, 70 and 71 are entitled to confidential classification as information concerning contractual data, the disclosure of which would impair the efforts of Gulf Power to contract for goods or services on favorable terms. Section 366.093(3)(d) and (e), Florida Statutes, provides that such information is proprietary confidential business information and is to be afforded protection from public disclosure. The information provided in this response is the specific price provisions of fuel contracts to which Gulf is a party. Both Gulf Power Company and the entity with whom it has entered into the contract regard the information to be competitively sensitive. Disclosure of the specific pricing provisions in the contract would harm Gulf's ability to negotiate the best price for the same or similar goods or services in the future for the benefit of its customers and the general body of ratepayers. Disclosure of negotiated prices in a competitive market results in price convergence

to those prices in future negotiations. The ability of Gulf Power to negotiate the best deal for its customers would be harmed and ultimately, higher costs to the ratepayers would result. In addition, certain other contract terms are provided in these responses that would also harm Gulf's ability to negotiate the best price for the same or similar goods or services in the future for the benefit of its customers and the general body of ratepayers. Specifically, the contract start and end dates and the existence and level of minimum and maximum fuel purchase amounts are given. These terms are also contract specific and are considered competitively sensitive to both Gulf and the entity with whom it has entered the contract. This information is entitled to confidential classification pursuant to §366.093(3)(d) and (e), Florida Statutes.

- 4. The information filed pursuant to Request is intended to be, and is treated as, confidential by the Companies and has not been otherwise publicly disclosed.
- 5. Submitted as Exhibit "A" is a copy of the responses, on which is highlighted the information for which confidential classification is requested. Exhibit "A" should be treated as confidential pending a ruling on this request. Attached as Exhibit "B" are two (2) edited copies of the responses, 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 \_\_\_\_\_ day of November 2001,

**JEFFREY A. STONE** 

Florida Bar No. 325953

**RUSSELL A. BADDERS** 

Florida Bar No. 007455

Beggs & Lane

P.O. Box 12950

(700 Blount Building)

Pensacola, FL 32576-2950

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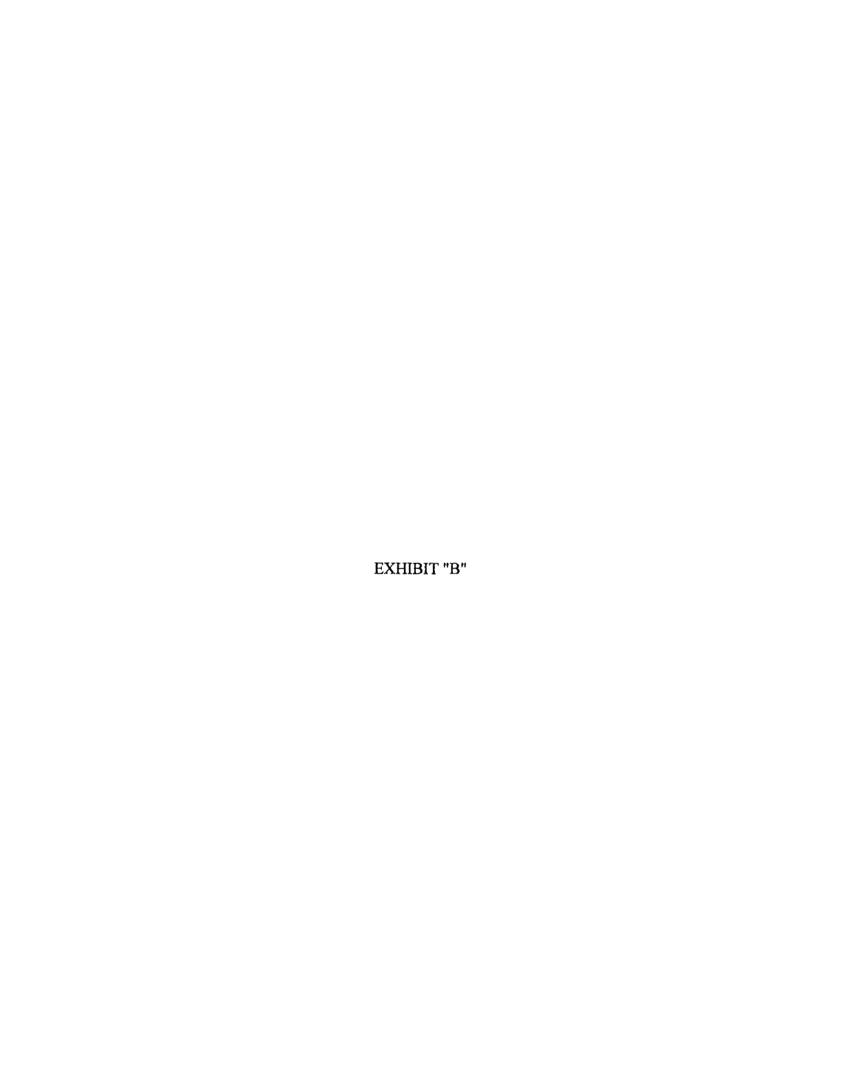
**Attorneys for Gulf Power Company** 

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and purchased power cost recovery clause and generating performance incentive factor	Docket No.: Date Filed:	010001-EU November 5, 2001
1		

# EXHIBIT "A" REQUEST FOR CONFIDENTIAL CLASSIFICATION

Provided to the Division of Records and Reporting under separate cover as confidential information



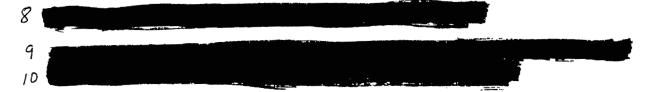
Staff's Second Set of Interrogatories
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GULF POWER COMPANY
October 15, 2001
Item No. 46
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46. Please complete the following table by providing the percentage of each type of fossil fuel burned in 2000 (according to Gulf Power's December 2000, Schedule A-3) that was purchased under each type/length of contract listed in the table

#### ANSWER:

# DISTRIBUTION OF FOSSIL FUEL BURNED IN 2000 BY TYPE AND LENGTH OF CONTRACT

		$\sqrt{\frac{1}{r_j}}$	Z	_
	Residual Oil	Distillate Oil	Coal	Natural Gas (1)
Fixed, LTC	n/a			
Indexed, LTC	n/a			
Fixed, MTC	n/a			
Indexed, MTC	n/a	=		
Fixed, STC	n/a	and the same of		
Indexed, STC	n/a			
7 Spot Market	n/a		•	



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47. Please complete the following table by providing the percentage of each type of fossil fuel Gulf Power expects to burn in 2001 (according to Schedule E-3 of Exhibit TAD-3 to Terry A. Davis' direct testimony, pre-filed September 21, 2000) that will be, or is estimated to be, purchased under each type/length of contract listed in the table.

#### ANSWER:

# DISTRIBUTION OF FOSSIL FUEL TO BE BURNED IN 2001 BY TYPE AND LENGTH TYPE AND LENGTH OF CONTRACT

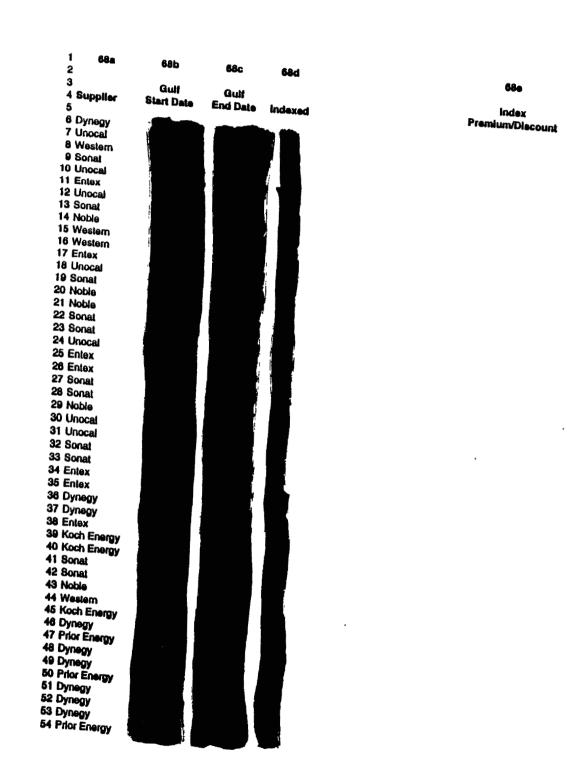
			A		
		Residual Oil	Distillate Oil	Coal	Natural Gas (1)
1	Fixed, LTC	n/a			
2	Indexed, LTC	n/a			
3	Fixed, MTC	n/a			
4	Indexed, MTC	n/a			1
5	Fixed, STC	n/a			1
6	Indexed, STC	n/a			
7	Spot Market	n/a			
				_	
8					
9					And the second second

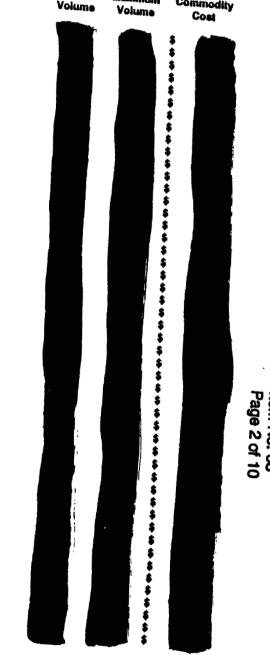
Staff's Second Set of Interrogatories
Docket No. 010001-EI
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- 68. Please provide the following information concerning Gulf Power's natural gas commodity contracts in effect for any amount of time between March 1999 and March 2001:
  - a. Name of supplier;
  - b. Contract start date:
  - c. Contract ending date:
  - d. Whether the contract was market-indexed:
  - e. For those contracts that were market-indexed, the market base and corresponding premium/discount;
  - f. Minimum monthly purchase; and
  - g. Maximum monthly purchase.

#### ANSWER:

Please refer to the attached table.





68f

Gulf

Minimum

Volume

68g

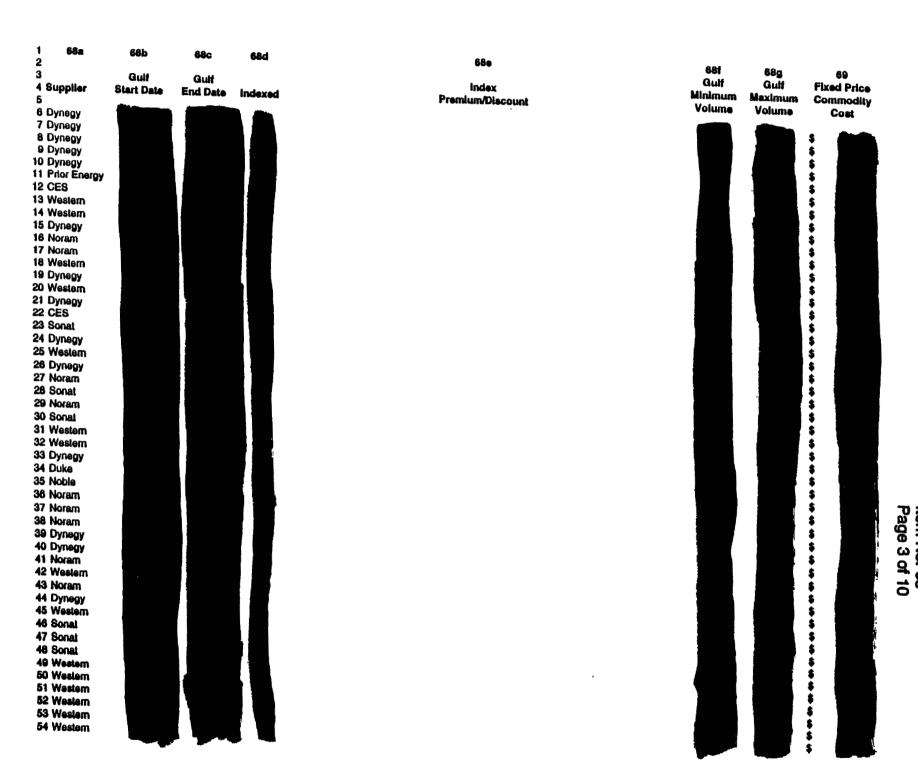
Gulf

Maximum

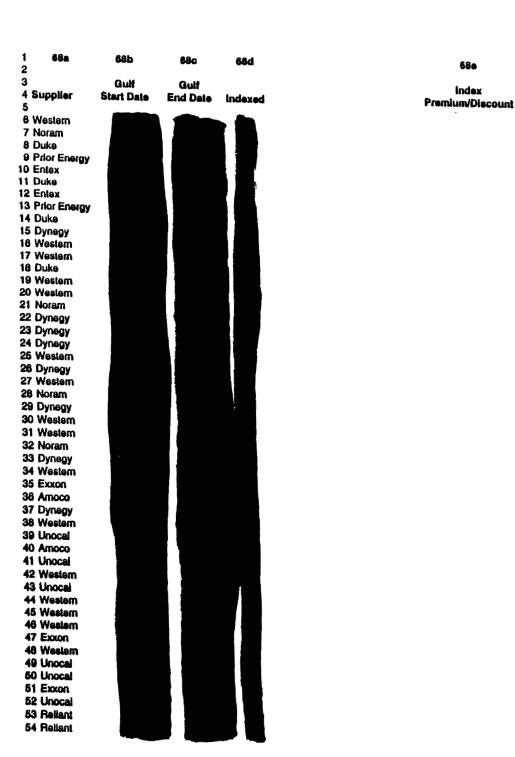
Fixed Price

Commodity

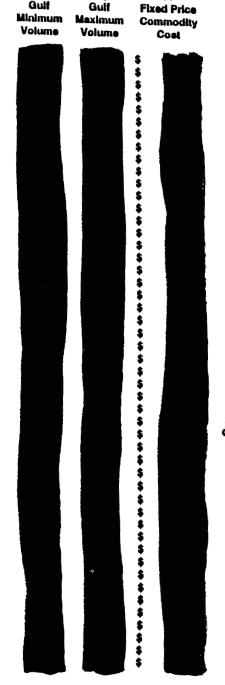
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October 15, 2001
Item No. 68



68e



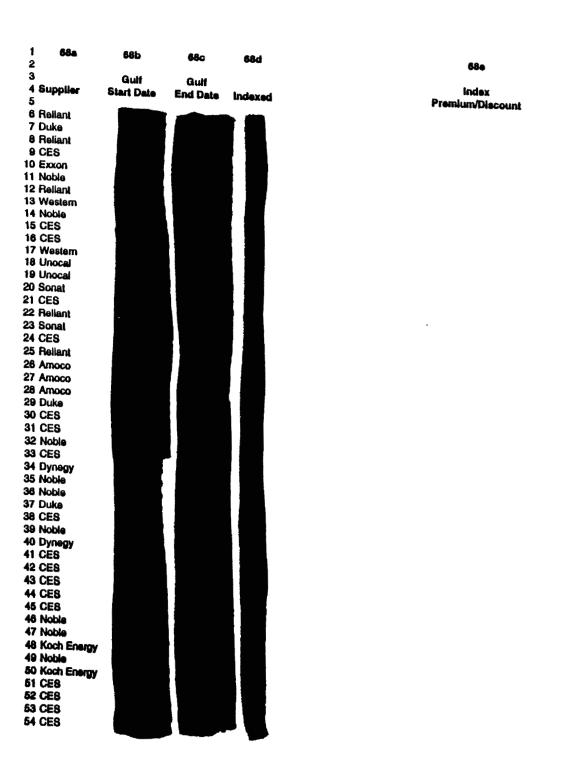
68**1** 

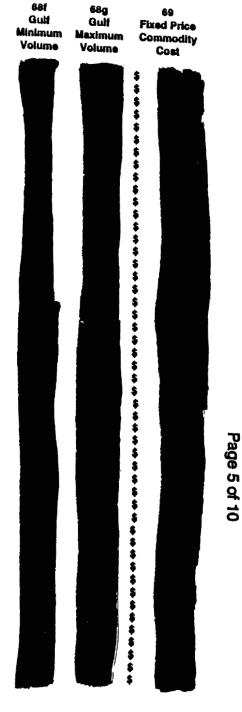
Gulf

68g

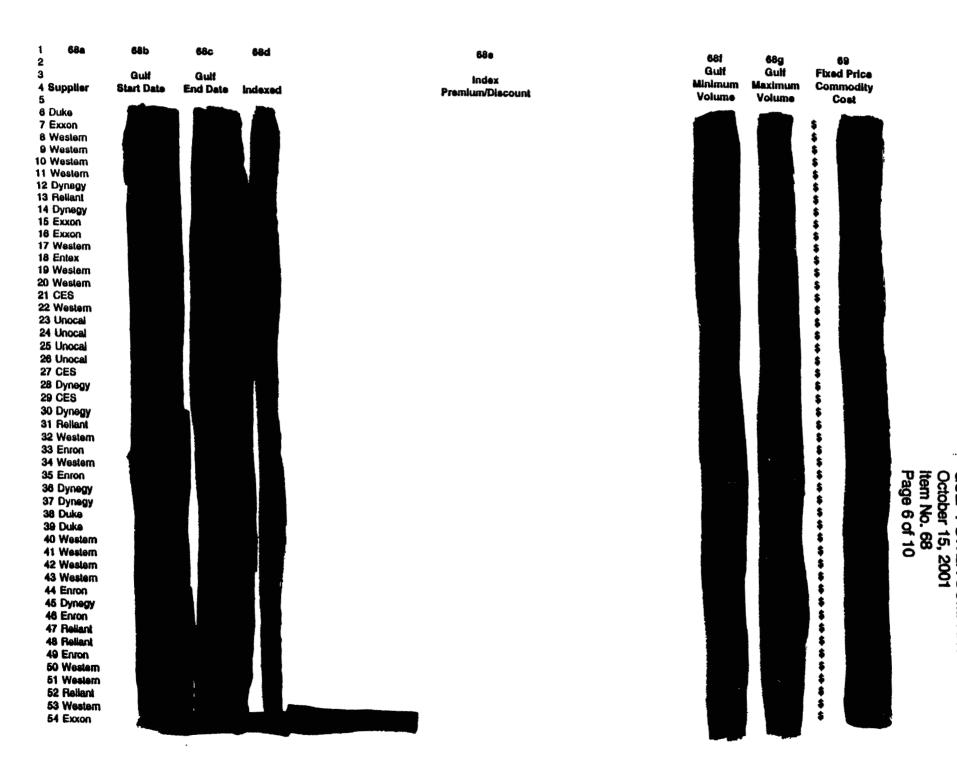
69

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GULF POWER COMPANY

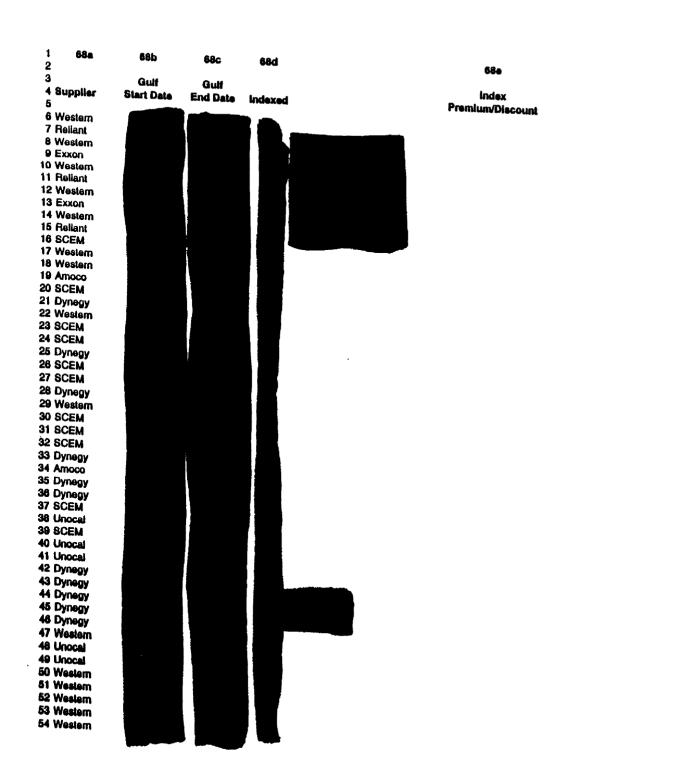




Stan -s Second Set of Interrogatories
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681

Gulf

Minimum

Volume

68g

Gulf

Maximum

Volume

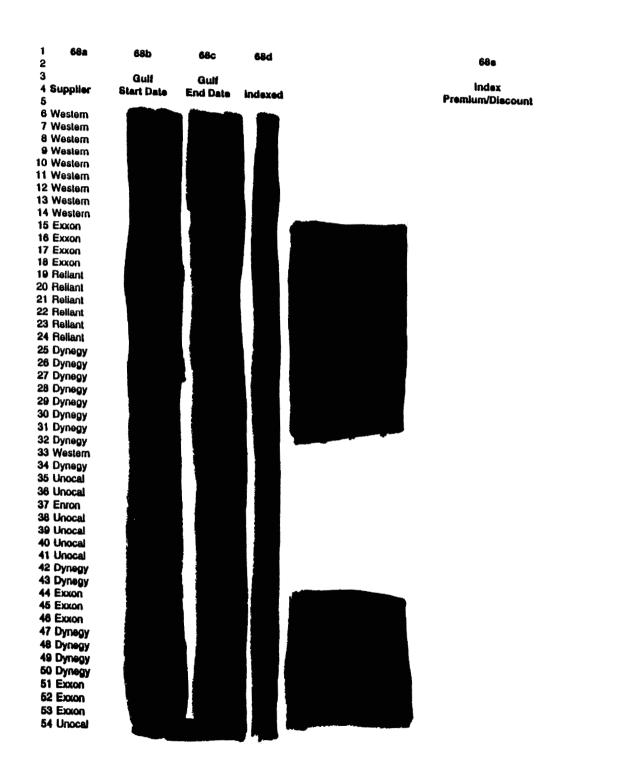
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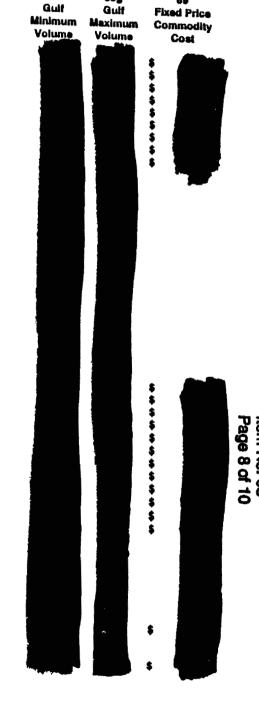
Fixed Price

Commodity

Cost

Staff's Second Set of Interrogatories Docket No. 010001-EI
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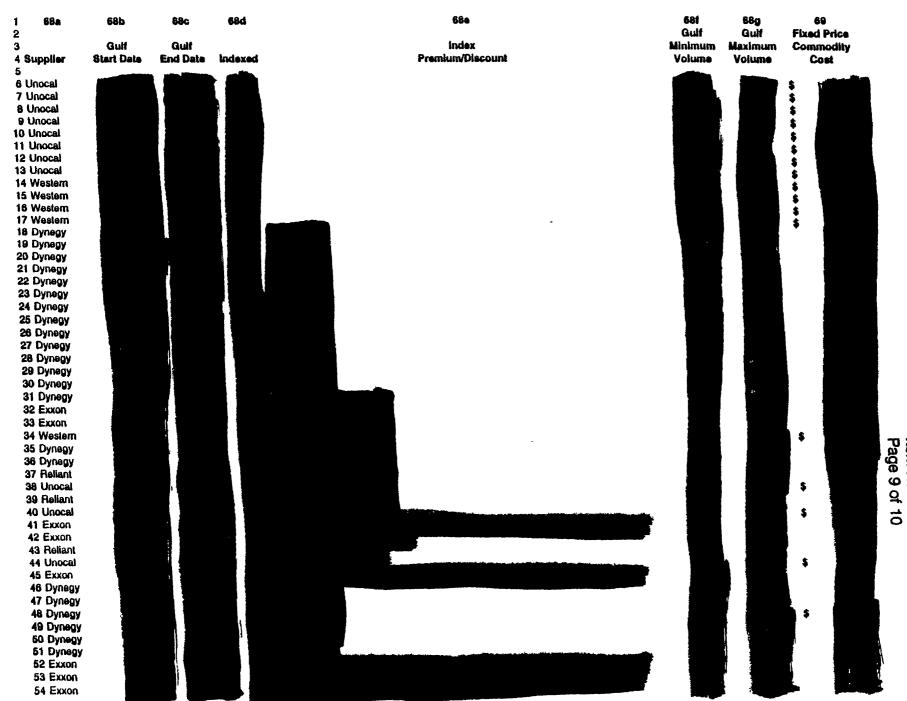


88f

68g

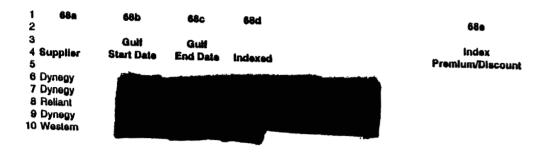
69

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Staff's Second Set of Interrogatories
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GULF POWER COMPANY
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Item No. 68

,



68f 68g 69
Gulf Gulf Fixed Price
Minimum Maximum Commodity
Volume Volume Cost

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October 15, 2001
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69. For each natural gas commodity contract listed in response to staff's Interrogatory No. 68 that was not market-indexed, please provide the natural gas commodity cost (\$/MMBtu) based upon the contracted minimum monthly purchase amount and the contracted maximum monthly purchase amount.

#### ANSWER:

Please refer to the table that was provided in response to interrogatory number 68.

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- 70. Based on information currently available, please provide the following information concerning Gulf Power's natural gas commodity contracts in effect, for any amount of time between March 2001 and March 2003:
  - a. Name of supplier;
  - b. Contract start date;
  - c. Contract ending date;
  - d. Whether the contract was market-indexed;
  - e. For those contracts that were market-indexed, the market base and corresponding premium/discount;
  - f. Minimum monthly purchase; and
  - g. Maximum monthly purchase.

#### ANSWER:

Please refer to the attached table.

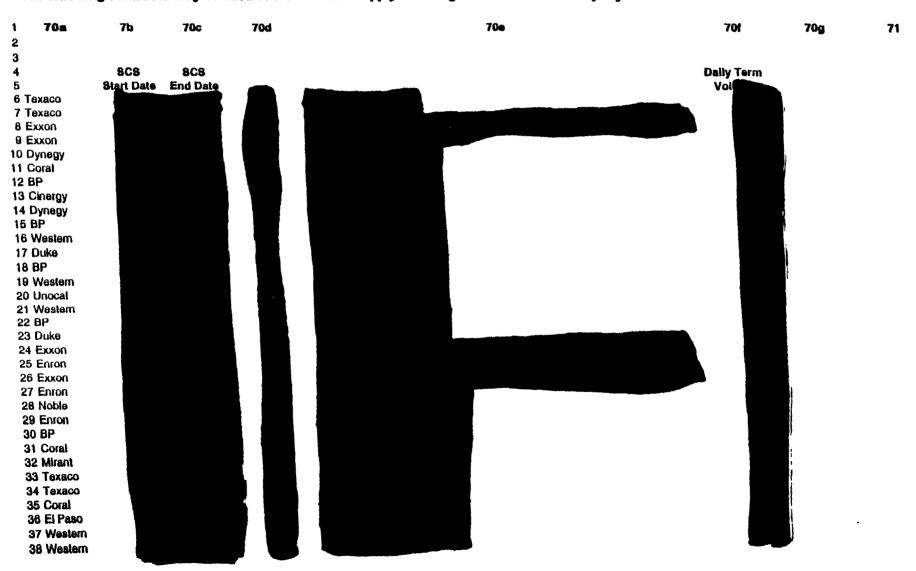
Staff's Second Set of Interrogatories Docket No. 010001-El GULF POWER COMPANY October 15, 2001 Item No. 70 Page 2 of 3

#### The following contracts were used to supply natural gas to Gulf Power Company:

1 <b>70a</b>	70b	70c	70d	70e	70f Gulf	70g Gulf	71 Fixed Price
3 4 Supplier	Guif Start Date	Guif End Date	Indexed	index Premium/Discount	Minimum	Maximum	Commodity
5		-114 244	MUUAPU	F18mmin/Discount	Volume	Volume	Cost
8							
7 Western							
8 Exxon							
9 Exxon					.=0.0		
10 Western					ì		
11 Western							
12 El Paso							
13 Reliant							
14 BP							
15 Dynegy							
16 Dynegy							
17 Dynegy							المعارض والمساوري
18 Dynegy					12.40		
19 Dynegy							
20 Entex							
21 Unocal							
22 BP							
23 Enron							
24 BP						,	
26 BP							
26 BP							
27 BP							
28 BP							
29 Cinergy							
30 Cinergy							
31 BP							
32 Entex							
33 Western							
34 Western							

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#### The following contracts may be used in the future to supply natural gas to Gulf Power Company:



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71. For each natural gas commodity contract listed in response to staff's Interrogatory No. 70 that was not market-indexed, please provide the natural gas commodity cost (\$/MMBtu) based upon the contracted minimum monthly purchase amount and the contracted maximum monthly purchase amount.

#### ANSWER:

Please refer to the table that was provided in response to interrogatory number 70.

#### **EXHIBIT C**

## Line-by-Line/Field-by-Field Justification

#### Line(s)/Field(s)

Interrogatory Numbers 46 and 47
Page 1, Lines 1 - 7, Columns A, B, C
Lines 8 - 10

Interrogatory Numbers 68 and 69

Page 2 of 10 through Page 5 of 10, Lines 6 - 54, Columns 68b, 68c, 68d, 68f, 68g and 69

Page 6 of 10, Lines 6 -53,

Columns 68b, 68c, 68d, 68f, 68g and 69

Page 6 of 10, Line 54,

Columns 68b, 68c, 68d, 68e, 68f, 68g and 69

Page 7 of 10, Lines 6 - 54,

Columns 68b, 68c, 68d, 68f, 68g and 69

Page 7 of 10, Lines 7, 9, 11, 13, 15, 43, 44, 45, Column 68e

Page 8 of 10, Lines 6 - 54

Columns 68b, 68c, 68d, 68f, 68g and 69

Page 8 of 10, Lines 15 - 31, 44 - 53,

Column 68e

Page 9 of 10, Lines 6-54

Columns 68b, 68c, 68d, 68f, 68g and 69

Page 9 of 10, Lines 18 - 54

Column 68e

Page 10 of 10, Lines 6 - 10

Columns 68b, 68c, 68d, 68e, 68f, 68g and 69

#### **Justification**

This information is entitled to confidential classification pursuant to §366.093(3)(a) and (e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 2.

This information is entitled to confidential classification pursuant to §366.093(3)(d) and (e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 3.

## Interrogatory Numbers 70 and 71

Page 2 of 3, Lines 7 - 34,

Columns 70b, 70c, 70d, 70f, 70g and 71

Page 2 of 3, Lines 8,

Columns 70e

Page 3 of 3, Lines 6 - 38

Columns 70b, 70c, 70d, 70e and 70f

This information is entitled to confidential classification pursuant to §366.093(3)(d) and (e), Florida Statutes. The basis for this information being designated as confidential is more fully set forth in paragraph 3.

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power Cost	)	
Recovery Clause with Generating	)	
Performance Incentive Factor	)	Docket No. 010001-EI
	j	

#### Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was furnished by hand delivery or the U. S. Mail this 5+1 day of November 2001 on the following:

Wm. Cochran Keating, Esquire FL Public Service Commission 2540 Shumard Oak Boulevard Tallahassee FL 32399-0863

John Roger Howe, Esquire Office of Public Counsel 111 W. Madison St., Suite 812 Tallahassee FL 32399-1400

James McGee, Esquire Florida Power Corporation P. O. Box 14042 St. Petersburg FL 33733-4042

Matthew M. Childs, Esquire Steel, Hector & Davis 215 South Monroe, Suite 601 Tallahassee FL 32301-1804

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