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ORIGINAL



December 28, 2004

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. 040001-EI

Enclosed is Gulf Power Company's Request for Temporary Protective
Order of Citizen's First Request for Production of Documents, No. 1.

Sincerely,

Susan D. Ritenour

CMP _____
COM 5 db

CTR _____ Enclosure

ECR 1 cc:

Beggs and Lane
Jeffrey A. Stone, Esquire

GCL _____

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power Cost)
Recovery Clause with Generating)
Performance Incentive Factor)

Docket No. 040001-EI

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was furnished by hand delivery or the U. S. Mail this 28th day of December 2004 on the following:

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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power)	Docket No.	040001-EI
Cost Recovery Clauses and Generating)	Date:	December 28, 2004
Performance Incentive Factor)		
_____)		
_____)		

REQUEST FOR TEMPORARY PROTECTIVE ORDER

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 a temporary protective order protecting from public disclosure Gulf Power Company's response to request number 1 of Citizen's First Request for Production of Documents (No. 1). As grounds for this request, Gulf Power Company states:

1. The Public Counsel has propounded a request for production of documents, the response to which will necessarily result in the disclosure of confidential information of the Company and parties with whom it has entered contracts. Gulf files this request to allow Public Counsel to inspect and possess this confidential information for the purpose of determining what information is to be used in the proceeding before the Commission in this docket pursuant to Florida Public Service Commission Rule 25-22.006(6)(c). In the event that Public Counsel does not use the information in the proceeding before the Commission, Gulf specifically requests that the information, and that which was derived therefrom, be either returned to Gulf or destroyed such that it does not remain in the possession of any entity subject to section 119.07(1), Florida Statutes.

2. The Company's response to request numbered 1 is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e). The response contains proprietary

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confidential business information regarding contractual matters which would cause irreparable harm to Gulf Power Company and the entities with whom it has entered into contracts if such information is disclosed to the general public. In addition, the response contains information relating to competitive interests in fuel procurement markets which would cause irreparable harm to Gulf Power Company and the entity with whom it has contracted if such information is disclosed to the general public.

3. The information provided to Public Counsel is also the response provided to the Commission's Staff in the Company's answers to Staff's Request for Production of Documents 3 – 5. This information was provided to Staff pursuant to a Notice of Intent to request Confidential Classification.

4. The material for which confidential classification is requested is intended to be, and is treated as, confidential by Gulf Power Company and, to the best of the undersigned attorney's knowledge has not been otherwise publicly disclosed.

WHEREFORE, Gulf Power Company respectfully requests that the Commission enter a temporary protective order consistent with this request.

Respectfully submitted this 28th day of December 2004,



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