

TO9000000149

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

(Business Entity Name)

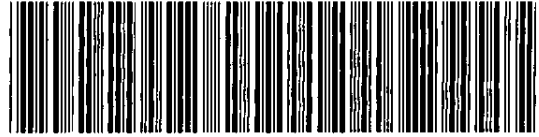
(Document Number)

Certified Copies _____ Certificates of Status _____

Special Instructions to Filing Officer:

789/2928/6260

Office Use Only



500143049635

TO9-149

02/13/09--01011--014 **87.50

W09-17407

SECRETARY OF STATE
MAIL ADDRESS COLLECTION

09 FEB 24 PM 1:13

FILED

N. CAUSSEAU

FEB 24 2009

EXAMINER

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: Energy Select

(Mark to be registered)

The enclosed Trademark/Service Mark Application, specimens and fee(s) are submitted for filing.

Please return all correspondence concerning this matter to the following:

Steven R. Griffin

(Name of Person)

Beggs & Lane RLLP

(Firm/Company)

501 Commendencia Street

(Address)

Pensacola, Florida 32502

(City/State and Zip Code)

For further information concerning this matter, please call:

Steven R. Griffin

(Name of Person)

at (850) 432-2451

(Area Code & Daytime Telephone Number)

MAILING ADDRESS:

Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

STREET/COURIER ADDRESS:

Registration Section
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

(NOTE: The information contained in this cover letter will be included in the permanent record and will be available to the general public.)

BEGGS & LANE

A REGISTERED LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AND COUNSELLORS AT LAW
POST OFFICE BOX 12950
PENSACOLA, FLORIDA 32591-2950

501 COMMENDENCIA STREET
PENSACOLA, FLORIDA 32502-5953
TELEPHONE (850) 432-2451
TELECOPIER (850) 469-3331

W. SPENCER MITCHEM
OF COUNSEL

E. DIXIE BEGGS
1909 - 2001

BERT H. LANE
1917 - 1981

RUSSELL A. BADDERS
MARY JANE BASS
ELIZABETH C. CALLAHAN
JAMES S. CAMPBELL
JODI D. COOKE
J. NIXON DANIEL III
JOHN P. DANIEL
TERRIE L. DIDIER
THOMAS F. GONZALEZ
STEVEN R. GRIFFIN
BRET M. KANIS
GARY B. LEUCHTMAN
JACK W. LURTON III
DAVID L. MCGEE
GREGORY R. MILLER
WILLIAM H. MITCHEM
RALPH A. PETERSON
JOE SCARBOROUGH
JEFFREY A. STONE
DAVID B. TAYLOR III
RUSSELL F. VAN SICKLE
MATTHEW D. VINSON
JAMES M. WEBER
CHARLES T. WIGGINS
JOHN F. WINDHAM
JOHN R. ZOESCH III

VIA U.S. MAIL

Florida Department of State
Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

To Whom It May Concern:

Enclosed for filing are an original and one copy of Gulf Power Company's Application for Registration of Trademark or Service Mark, in accordance with Chapter 495, Florida Statutes. Please feel free to contact me should you have questions or concerns regarding this filing.

Sincerely,



Steven R. Griffin
For the Firm

Enclosure



FLORIDA DEPARTMENT OF STATE
Division of Corporations

February 16, 2009

STEVEN R. GRIFFIN, ESQUIRE
BEGGS & LANE, RLLP
501 COMMENDENCIA STREET
PENSACOLA, FL 32502

SUBJECT: ENERGY SELECT
Ref. Number: W09000007407

We have received your document for ENERGY SELECT and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

You must list a more specific service in #2(a) in Part I of the application.

Pursuant to s. 495.035(5), F.S., this application will be considered abandoned if the applicant fails to reply or resubmit the corrected/amended application within three months from date of this letter.

If you have any questions concerning the filing of your document, please call (850) 245-6918.

Nanette Causseaux
Document Specialist Supervisor

Letter Number: 909A00005420

BEGGS & LANE

A REGISTERED LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AND COUNSELLORS AT LAW
POST OFFICE BOX 12950
PENSACOLA, FLORIDA 32591-2950

501 COMMENDENCIA STREET
PENSACOLA, FLORIDA 32502-5953
TELEPHONE (850) 432-2451
TELECOPIER (850) 469-3331

W. SPENCER MITCHEM
OF COUNSEL

E. DIXIE BEGGS
1909 - 2001

BERT H. LANE
1917 - 1981

RUSSELL A. BADDERS
MARY JANE BASS
ELIZABETH C. CALLAHAN
JAMES S. CAMPBELL
JODI D. COOKE
J. NIXON DANIEL III
JOHN P. DANIEL
TERRIE L. DIDIER
THOMAS F. GONZALEZ
STEVEN R. GRIFFIN
BRET M. KANIS
GARY B. LEUCHTMAN
JACK W. LURTON III
DAVID L. MCGEE
GREGORY R. MILLER
WILLIAM H. MITCHEM
RALPH A. PETERSON
JOE SCARBOROUGH
JEFFREY A. STONE
DAVID B. TAYLOR III
RUSSELL F. VAN SICKLE
MATTHEW D. VINSON
JAMES M. WEBER
CHARLES T. WIGGINS
JOHN F. WINDHAM
JOHN R. ZOESCH III

VIA U.S. MAIL

Attn: Nanette Causseaux
Florida Department of State
Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

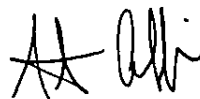
**Re: Trademark/Service mark Application for "Energy Select"
Ref. # W09000007407**

Dear Ms. Causseaux:

I am in receipt of your letter #909A00005420 dated February 16, 2009, indicating a deficiency with the above-referenced application. Specifically, you noted that the description of services contained in #2(a) in Part I of the application lacks the requisite specificity. Enclosed is an application with a revised description of the services to be provided. I hope that this rectifies the deficiency.

Please do not hesitate to contact me should you have questions or need additional information.

Sincerely,



Steven R. Griffin
For the Firm

Enclosure

APPLICATION FOR THE REGISTRATION OF A TRADEMARK OR SERVICE MARK
PURSUANT TO CHAPTER 495, FLORIDA STATUTES

TO: Division of Corporations
Post Office Box 6327
Tallahassee, FL 32314

FILED
09 FEB 24 PM 1:13
TALLAHASSEE, FLORIDA
CORPORATION DIVISION

PART I

1. OWNER/APPLICANT: Enter the name and address of the individual or the business entity to be listed as the owner of the Trademark and/or Service Mark on the records of the Florida Department of State.

(a) Owner's/Applicant's name: Gulf Power Company

(b) Owner's/Applicant's business address: One Energy Place

Pensacola, Florida 32520
City/State/Zip

If different, Owner's/Applicant's mailing address: _____
City/State/Zip

(c) Owner's/Applicant's telephone number: (800) 225-5797

Check the appropriate box to indicate the Owner/Applicant is a(n):

- Individual Corporation Joint Venture Limited Liability Company
 General Partnership Limited Partnership Union Other: _____

If the Owner/Applicant is a business entity, the business entity must have an active filing or registration on file with the Florida Department of State. If the Owner/Applicant is not an individual, enter the business entity's Florida registration/document number in #1, the state or country under the laws of which the business entity is currently formed, organized or incorporated under in #2, and the entity's federal employer identification number (EIN) in #3.

(1) Florida registration/document number: P05000145526

(2) Domicile State or Country: Florida

(3) Federal Employer Identification Number: 590276810

2. (a) **SERVICE MARK:** If the owner/applicant is using the name, logo, design and/or slogan being registered in connection with a type of service, the mark is a service mark. If the mark is a service mark, the applicant/owner must list the specific service(s) the mark is being used in connection with. For example: furniture moving services, diaper services, house painting services, wholesale and retail sales of tractor equipment, etc. If the owner/applicant is using the mark to identify services available in the market place, enter the specific service(s) being rendered here:

(Note: List only those services currently being rendered by the owner/applicant. Do not include future services.)

Energy Select is the brand name for Gulf Power's peak demand reduction program. This program enables customers to program their HVAC systems, electric water heaters, and pool/spa pumps to respond to varying electricity prices depending on the time of day, day of week and season.

2. (b) TRADEMARK: If the owner/applicant is using the name, logo, design and/or slogan being registered in connection with an actual product manufactured by the owner/applicant or on the owner/applicant's behalf, the mark is a trademark. If the mark is a trademark, the applicant/owner must list the specific product(s) the name, logo, design and/or slogan is being used to identify. For example: ladies sportswear, cat food, barbecue grills, shoe laces, etc. If the owner/applicant is using the name, logo, design and/or slogan to identify goods available in the market place, enter the specific product(s) the name, logo, design and/or slogan is being used to identify:

(Note: List only those product(s) currently available. Do not include future products.)

2. (c) HOW IS THE NAME, LOGO, DESIGN AND/OR SLOGAN CURRENTLY USED:

SERVICE MARKS: If the name, logo, design and/or slogan are/is being used in connection with a type of service, you must specify the form(s)/mean(s) of advertisement the applicant/owner is using to advertise the services to the general public. For example: newspaper advertisements, business cards, brochures, flyers, pamphlets, menus, etc. If the mark is being used in connection with a type of service, state how the name, logo, design and/or slogan are/is being used in advertising here:

Energy Select is the brand name for Gulf Power Company's peak demand reduction program.

TRADEMARKS: If the name, logo, design and/or slogan are/is being used to identify a product manufactured by or for the applicant/owner, you must specify how the mark is applied or affixed to the actual product or its packaging. For example: a tag, label, imprinted or engraved on the actual product, etc. If the mark is being used in connection with a specific product, state how the name, logo, design and/or slogan is applied or affixed to the actual product(s) or the packaging:

2. (d) FEE(S) AND CLASS(ES): There are a total of 45 classes or categories in which all products or services must be categorized. The fee to register a mark is \$87.50 per class. Make check payable to Florida Department of State.

List the class(es) which apply to the product(s) and/or service(s) listed in 2(a) and/or 2(b) above:

Class 35 Advertising

PART II

1. You must state the date the name, logo, design and/or slogan was first used in the state of Florida, and, if it was used in another state or country, the date you first used the name, logo, design and/or slogan in the other state or country. Enter the month, day, and year the name, logo, design and/or slogan was first used by the applicant/owner, the predecessor, or a related company in Florida. If the name, logo, design and/or slogan has been used in another state or country, then you must also enter the month, day, and year the name, logo, design and/or slogan was/were used in another state or country, when applicable.

Note: The Florida Statutes require a mark to be in use prior to registration.

(a) Date first used in other state or country, if applicable: _____

(b) Date first used in Florida: January 1, 2009

PART III

ENTER NAME, LOGO, DESIGN AND/OR SLOGAN BEING REGISTERED:

1. Enter the name, a brief description of the logo or design, and/or the slogan you are registering. The description of the logo and/or design must be 25 words or less. List the exact name, slogan, and/or description of the logo/design here: (NOTE: The name, logo, design and/or slogan listed in this section must match the exact name, logo, design and/or slogan listed on your specimens or examples.)

Energy Select

Provide the English translation of any and all terms listed #1 above, when applicable: _____

2. **DISCLAIMER STATEMENT** (if applicable):

Your mark may include a word or design that is commonly used by others. Commonly used terms or designs must be disclaimed. When you disclaim a specific term or design, you are acknowledging this term is commonly used by others and that you do not claim the exclusive right to use the disclaimed term or design. All geographical terms and representations of cities, states or countries must be disclaimed (i.e., Miami, Orlando, Florida, the design of the state of Florida, the design of the United States of America, etc.). Corporate suffixes and terms readily associated with the specific product(s) and/or(s) service being provided must also be disclaimed.

Enter all terms listed in #1 above which require a disclaimer in the space provided below:

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM(S)" Energy
_____ " APART FROM THE MARK AS SHOWN.

3. ATTACH OR INCLUDE THREE SPECIMENS OR EXAMPLES OF THE TRADEMARK OR SERVICE MARK BEING REGISTERED

Chapter 495, F.S., requires you to submit three specimens (samples or examples) of the mark in use. You must submit three specimens FOR EACH CLASS listed in Part I #2(d). The name, logo, design and/or slogan on the specimens must be identical to the name, logo, design and/or slogan being registered. You may provide three identical specimens or three different specimens. For each service mark class (classes 35-45), you may provide three newspaper advertisements, business cards, brochures, flyers, or any combination thereof. For each trademark class (classes 1-34), you may provide three tags, labels, boxes, etc. or any combination thereof. Photographs of bulky specimens are acceptable if the mark being registered and the good(s) or product(s) are clearly legible.

SIGNATURE OF APPLICANT/OWNER AND NOTARIZATION:

I, STEVEN R. GRIFFIN, being sworn, depose and say that I am the owner and the applicant herein, or that I am authorized to sign on behalf of the owner and applicant herein, and to the best of my knowledge no other person except a related company has registered this mark in this state or has the right to use such mark in Florida either in the identical form thereof or in such near resemblance as to be likely, when applied to the goods or services of such other person to cause confusion, to cause mistake or to deceive. I make this affidavit and verification on my/the applicant's behalf. I further acknowledge that I have read the application and know the contents thereof and that the facts stated herein are true and correct.

Gulf Power Company
Typed or printed name of applicant

[Signature] Attorney for Gulf Power
Applicant's signature
(List name and title)

FILED
09 FEB 24 PM 1:13
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

STATE OF FLORIDA

COUNTY OF ESCAMBIA

On this 11 day of February, 2009, Steven R. Griffin personally appeared before me,

who is personally known to me whose identity I proved on the basis of _____

[Signature]
Notary Public Signature

(Seal)

My Commission Expires: _____
Notary's Printed Name: MARY F DAVIS
Notary Public, state of Florida
My Comm. Expires Nov. 12, 2010
Comm. No. DD 613675

FILING FEE: \$87.50 per class

GULF
POWER
A SINOPEC COMPANY

ENERGY
select

Your comfort zone is unique.

Energy Select lets you

dial in right.