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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition for)		
Return of Confidential Document)	DOCKET NO.	C
or, Alternatively, for Extension)		
of Duration of Protective Order)	FILED: JULY 10, 2002	
by Calpine Energy Services, L.P.,)		
and Seminole Electric)		
Cooperative, Inc.)		
)		

JOINT PETITION FOR RETURN OF CONFIDENTIAL DOCUMENT OR,
ALTERNATIVELY, FOR EXTENSION OF DURATION OF
PROTECTIVE ORDER

Calpine Energy Services, L.P. ("Calpine"), and Seminole Electric Cooperative, Inc. ("Seminole"), pursuant to Commission Rule 25-22.006, Florida Administrative Code ("F.A.C."), hereby respectfully petition for relief that will protect the confidentiality of Commission Document No. 00277-01, which is an unredacted copy of the power purchase agreement between Calpine and Seminole for the purchase and sale of firm capacity and energy (the "PPA") from the Osprey Energy Center, which is presently under construction in Auburndale, Polk County, Florida. Specifically, Calpine and Seminole respectfully petition the Commission either (a) to direct the Commission's Division of the Commission Clerk and Administrative Services to return the PPA to

AUS	_____	Seminole's undersigned counsel, or (b) to extend the duration of
CAF	_____	
CMP	_____	Commission Order No. PSC-01-0366-PCO-EC, Order Granting in Part
COM	_____	
CTR	_____	
ECR	_____	and Denying in Part Request for Confidential Classification and
GCL	_____	
OPC	_____	Motion for Permanent Protective Order (Document No. 00277-01)
MMS	_____	
SEC	_____	
OTH	_____	

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(the "PPA Confidentiality Order"). Absent further Commission action, the protection afforded by the PPA Confidentiality Order will expire on August 12, 2002.

In summary, since the docket in which the PPA Confidentiality Order was issued has been closed since May 30, 2001, Calpine and Seminole believe that neither the Commission Staff nor the Commission need continued access to the unredacted PPA, and accordingly, Calpine and Seminole respectfully request that the PPA be returned. In the alternative, Calpine and Seminole respectfully ask the Commission to extend the duration of the PPA Confidentiality Order by an additional eighteen months, i.e., until February 12, 2004, for the same reasons that the Commission granted the initial PPA Confidentiality Order.

PROCEDURAL BACKGROUND AND INFORMATION

1. The name and address of Joint Petitioner Seminole is as follows:

Seminole Electric Cooperative, Inc.
ATTN: Timothy S. Woodbury
Vice President of Strategic Services
16313 North Dale Mabry Highway (ZIP 33618)
Post Office Box 272000
Tampa, Florida 33688-2000.

The name and address of Joint Petitioner Calpine is as follows:

Calpine Energy Services, L.P.
ATTN: Robert K. Alff
Senior Vice President
Calpine Eastern Corporation
The Pilot House, 2nd Floor, Lewis Wharf
Boston, Massachusetts 02110.

2. All pleadings, motions, orders, and other documents directed to Joint Petitioner Seminole are to be served on the following:

Joseph A. McGlothlin
McWhirter Reeves
117 South Gadsden Street
Tallahassee, Florida 32301

with a courtesy copy to:

Timothy S. Woodbury
Vice President of Strategic Services
Seminole Electric Cooperative, Inc.
16313 North Dale Mabry Highway (ZIP 33618)
Post Office Box 272000
Tampa, Florida 33688-2000.

All pleadings, motions, orders, and other documents directed to Joint Petitioner Calpine are to be served on the following:

Robert Scheffel Wright
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Tallahassee, Florida 32302

and

Joseph Regnery, Esquire
Calpine Eastern Corporation
Island Center
2701 North Rocky Point Drive, Suite 1200
Tampa, Florida 33607,

with a courtesy copy to:

Tim Eves
Director, Business Development
Island Center
2701 North Rocky Point Drive, Suite 1200
Tampa, Florida 33607.

3. The name and address of the agency affected by this Joint Petition is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.

4. On December 4, 2000, Seminole and Calpine Construction Finance Company, L.P. ("CCFC"), the affiliate of Calpine that is constructing the Osprey Energy Center, initiated Docket No. 001748-EC by filing their Joint Petition for Determination of Need for the Osprey Energy Center, together with supporting exhibits and the testimonies and exhibits of four Seminole witnesses and six CCFC witnesses. On January 8, 2001, Seminole and CCFC filed their Amended Joint Petition and Amended Exhibits. The Amended Exhibits included a redacted version of the Power Purchase Agreement between Seminole and Calpine.

5. Also on January 8, 2001, Seminole filed a request for confidential treatment and motion for permanent protective order with respect to the information that Seminole and Calpine had agreed to redact from the PPA filed as part of the public record in this proceeding. Seminole's request and motion were granted in part and denied in part by the PPA Confidentiality Order on February 12, 2001. Most of the information for which confidential protection was requested has been protected by the PPA Confidentiality Order. CCFC moved for partial reconsideration of the PPA Confidentiality Order, which motion was denied by Order No. PSC-1028-FOF-EC, issued on April 26,

2001.

6. Calpine and Seminole are by this petition seeking either the return of the PPA pursuant to Rule 25-22.006(9)(b), F.A.C., or an extension of the duration of the PPA Confidentiality Order for an additional 18 months pursuant to Rule 25-22.006(9)(c), F.A.C.

APPLICABLE LAW

7. Section 366.093, Florida Statutes (2001), protects from disclosure

information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Information found to be proprietary, confidential business information is exempt from disclosure pursuant to Chapter 119, Florida Statutes, Florida's public records statute. Fla. Stat. § 366.093(2) (2001).

8. Commission Rule 25-22.006, F.A.C., implements Section 366.093, Florida Statutes. Rule 25-22.006(9)(b), F.A.C., provides as follows:

(b) When confidential information is no longer needed for the Commission to conduct its business, the Commission shall order all persons holding such information to return it

to the utility or person providing the information.

9. Rule 25-22.006(9)(c), F.A.C. provides as follows:

(c) Confidential information not returned at the conclusion of the period established under paragraph (a) of this subsection, shall no longer be exempt from Section 119.07(1), F.S., unless the utility or affected person shows, and the Commission finds, that the information continues to be confidential. Upon such finding, the duration of confidential classification may be extended for a period of up to 18 months, or for a longer period if the Commission finds, for good cause, that such longer period is necessary to protect the business operations of the utility or affected person. While the Commission is considering an extension under this paragraph, the information in question shall remain exempt from Section 119.07(1), F.S.

DISCUSSION

10. Calpine and Seminole continue to treat the information granted protection by the PPA Confidentiality Order as proprietary, confidential business information. The unredacted PPA continues to be owned and controlled by Calpine and Seminole, and Calpine and Seminole continue to treat the unredacted PPA as private because the disclosure of the information would cause harm to Seminole, to the electric consumers ultimately served by Seminole, and to Calpine. The unredacted PPA has not been disclosed to anyone other than Seminole, Calpine, Seminole's and Calpine's affiliates with a need for access to the PPA, and their attorneys. Moreover, Calpine and Seminole are actively engaged, in the current wholesale power supply market, in negotiations

regarding power purchase agreements, and accordingly, the terms and conditions of the PPA continue to have particular commercial sensitivity for both Seminole and Calpine.

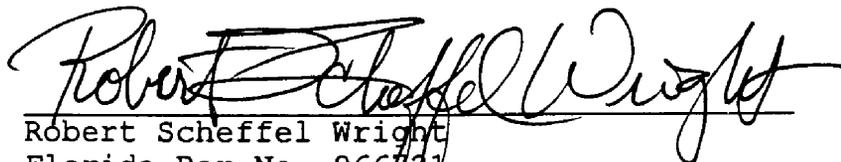
11. Accordingly, Calpine and Seminole seek either the return of the PPA pursuant to Rule 25-22.006(9)(b), F.A.C., or, pursuant to Rule 25-22.006(9)(c), F.A.C., the Commission's continued protection of the subject information, for the same reasons that they initially sought, and for the same reasons that the Commission initially issued, the PPA Confidentiality Order. Rather than restate those reasons here, Calpine and Seminole have attached both Seminole's original Request for Confidential Classification and Motion for Permanent Protective Order, and the PPA Confidentiality Order, as Exhibits A and B, respectively.

CONCLUSION AND PRAYER FOR RELIEF

The information for which Calpine and Seminole here seek protection is proprietary, confidential business information within the meaning of Section 366.093, Florida Statutes, and Commission Rule 25-22.006, F.A.C. The disclosure of the subject information would harm Seminole and the electricity consumers whom Seminole ultimately serves, as well as Calpine's competitive interests. Accordingly, the Commission should grant this petition either (a) by ordering the Commission's Division of the Commission Clerk and Administrative Services to return Document No. 00277-01 to Seminole's undersigned counsel or (b) by issuing its order extending the duration of the PPA Confidentiality

Order, Order No. PSC-01-0366-PCO-EC, for an additional eighteen months, until February 12, 2004.

Respectfully submitted this 10th day of July, 2002.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery on this 10th day of July 2002, to the following:

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