

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Seminole combined cycle facility, by Seminole Electric Cooperative, Inc.

DOCKET NO. 20170266-EC

In re: Joint petition for determination of need for Shady Hills combined cycle facility in Pasco County, by Seminole Electric Cooperative, Inc. and Shady Hills Energy Center, LLC.

DOCKET NO. 20170267-EC
ORDER NO. PSC-2018-0093-CFO-EC
ISSUED: February 20, 2018

ORDER GRANTING SEMINOLE ELECTRIC COOPERATIVE, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(EXHIBIT NO. AST-1, DOCUMENT 2 IN
DOCUMENT NOS. 10828-2017 AND 10829-2017)

On December 21, 2017, pursuant to Section 366.096, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Seminole Electric Cooperative, Inc. (Seminole) filed a Request for Confidential Classification (Request) of information provided in Exhibit No. AST-1, Document 2 that pertains to the direct testimony of Alan S. Taylor, which was filed contemporaneously with the Petition for determination of need filed by Seminole in Docket No. 20170266-EC (Document No. 10828-2017), and the Joint Petition for determination of need filed by Seminole and Shady Hills Energy Center, LLC (SHEC) in Docket No. 20170267-EC (Document No. 10829-2017). This request was filed in Docket Nos. 20170266-EC and 20170267-EC.

Request for Confidential Classification

Seminole contends that some of the information provided in Exhibit No. AST-1, Document 2 constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Seminole asserts that this information is intended to be and is treated by Seminole as private and has not been publicly disclosed.

Seminole contends that the information identified in Attachment A of their Request is contractual information and information relating to competitive interests that Seminole treats as proprietary confidential business information. Seminole avers that the information relates to the competitive interest of Seminole and asserts this information concerns bids or other contractual data, the disclosure of which would impair the efforts of Seminole to contract for goods and services on favorable terms. Seminole argues that such information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (d) Information concerning bids or other 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. The information described above and in Seminole's Request appears to contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of Seminole or its members to contract for goods or services on favorable terms and information relating to competitive interests, the disclosure of which would also impair the competitive business of the provider of the information. Thus, the information identified in Exhibit No. AST-1, Document 2, in Document Nos. 10828-2017 and 10829-2017 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Seminole or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is hereby

ORDERED by Commissioner Gary F. Clark as Prehearing Officer, that Seminole Electric Cooperative, Inc.'s Request for Confidential Classification of specified parts of Exhibit No. AST-1, Document 2, in Document Nos. 10828-2017 and 10829-2017 is hereby granted. It is further

ORDERED that the information in Exhibit No. AST-1, Document 2, in Document Nos. 10828-2017 and 10829-2017, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order.

At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Seminole Electric Cooperative, Inc. or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 20th day of February, 2018.



GARY F. CLARK

Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-

the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.