

# Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.  
(850) 425-2359

July 24, 2008

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## BY HAND DELIVERY

Ms. Ann Cole  
Director Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 080253-EM  
Request for Confidential Classification  
**CONFIDENTIAL MATERIALS ENCLOSED**

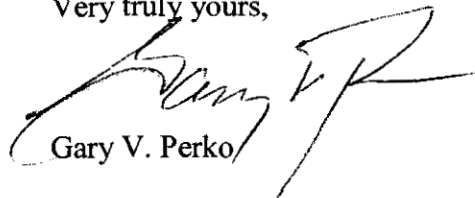
Dear Ms. Cole:

Enclosed for filing on behalf of Florida Municipal Power Agency, (FMPA) are the following:

- (1) The original and seven copies of FMPA's Request for Confidential Classification;
- (2) A package containing Exhibit A, which includes two redacted copies of the confidential documents; and
- (3) A CONFIDENTIAL package containing Exhibit B which includes one copy of the documents on which the confidential material has been highlighted.

Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,



Gary V. Perko

COM \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 OPC \_\_\_\_\_  
 RCP \_\_\_\_\_  
 SSC \_\_\_\_\_  
 SGA \_\_\_\_\_  
 ADM \_\_\_\_\_

CLK / GVP/dg  
records Enclosures

cc: certificate of service

DOCUMENT NUMBER - DATE  
06435 JUL 24 08  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to determination need for Cane  
Island Power Park Unit 4 electrical power plant  
in Osceola County, by Florida Municipal  
Power Agency

DOCKET NO. 080253-EM

FILED: July 24, 2008

**FLORIDA MUNICIPAL POWER AGENCY'S SECOND  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Municipal Power Agency ("FMPA"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request For Confidential Classification of certain information provided in FMPA's Response to Staff's Fourth Set of Interrogatories, Interrogatory No. 33, which requested cost information submitted on a confidential basis by respondents to a Request for Proposals issued by FMPA. In support of this Request, FMPA states:

1. On July 10, 2008, FMPA served its Response to Staff's Fourth Set of Interrogatories (30-50). As further explained below, in response to Staff's Interrogatory No. 33, FMPA provided documents containing information that is "proprietary business information" under Section 366.093(3), Florida Statutes. Also on July 10, 2008, FMPA timely filed a Notice of Intent to Request Confidential Classification of the document. This formal Request for Confidential Classification is now being filed within the time period specified in Rule 25-22.006(3)(a), Florida Administrative Code.

2. The following exhibits are included with this request:

(a) Exhibit A is a package containing two copies of redacted versions of the documents for which FMPA requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

DOCUMENT NUMBER - DATE

06435 JUL 24 08

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(b) Exhibit B is a package containing unredacted copies of the documents for which FMPA seeks confidential treatment. Exhibit B is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted in yellow.

3. As explained in FMPA's Need for Power Application, FMPA previously issued requests for proposals for renewable energy resources, solar energy resources, and conservation measures. The information for which FMPA seeks confidential classification includes cost information submitted by respondents to FMPA's solar RFP on a confidential basis. Specifically, the highlighted information on lines 1-3 of FMPA's Response to Interrogatory No. 33 includes, respectively, the lowest costs submitted for a proposed solar purchase power agreement, the lowest costs submitted for a turnkey or EPC installation proposal, and the lowest cost for a proposed sale of equipment directly. For the reasons discussed below, all of this information relates to bids or other contractual data, the disclosure of which would impair the efforts of FMPA to contract for goods or services on favorable terms. *See* Section 366.093(3)(d), F.S.

4. The purpose of FMPA's RFPs were to obtain potentially favorable contract terms for additional renewable energy resources, solar energy resources and/or conservation programs for FMPA's All-Requirements Power Supply Project (ARP). Without assurances that the terms of the bids received will not be publicly disclosed, potential bidders might withhold cost or other information necessary for FMPA to understand and assess the costs and benefits of their proposals. Further, without assurances of non-disclosure, potential bidders might choose not to respond to future RFPs. In either case, FMPA's efforts to contract for goods and services on favorable terms would be impaired by disclosure of the information deemed confidential by bidders. Accordingly, the information identified above qualifies for confidential classification

COMMISSIONERS:  
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STATE OF FLORIDA



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**Public Service Commission**

**CONFIDENTIAL**

**ACKNOWLEDGEMENT**

DATE: July 24, 2008

TO: Gary Perko, Hopping Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080253 or, if filed in an undocketed matter, concerning certain information provided in FMPA's responses to staff's 4<sup>th</sup> set of Interrogatories; Interrogatory No. 33, and filed on behalf of Fmpa. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE  
**06436 JUL 24 08**  
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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)