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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION

CLERK

In Re: Review of Florida Power & Light ) Docket No. 070626-EI  
Company's Sunshine Energy Program ) Filed: Oct. 9, 2008  
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**GREEN MOUNTAIN ENERGY COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Green Mountain Energy Company ("Green Mountain"), by and through undersigned counsel and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, hereby requests confidential classification of certain portions of material provided to the Florida Public Service Commission ("Commission") staff ("Staff") in response to the Staff Data Request made in this docket by letter dated September 5, 2008 ("Staff's Data Request"). In support of its request, Green Mountain states as follows:

1. On September 18, 2008, Green Mountain provided a response to Staff's Data Request (the "Data Request Response") which contained confidential, proprietary business information. Also on September 18, 2008, Green Mountain filed with the Commission a Notice of Intent to Request Confidential Classification (the "Notice") concerning the confidential,

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proprietary business information in its Data Request Response. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, Green Mountain has 21 days from the date of the Notice to file a

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FPSC-COMMISSION CLERK

formal request for confidential classification with respect to the Data Request Response. Accordingly, Green Mountain is timely filing this Request for Confidential Classification to maintain continued confidential handling of selected sections of the Data Request Response.

2. The following exhibits were included in the September 18, 2008 submittal to the Commission and are subject to this request; per discussion and agreement with counsel for the Staff, and to avoid unnecessary cost and paperwork, Green Mountain is not submitting additional copies of the documents submitted on September 18.

- a. Exhibit A included a copy of the Data Request Response, on which all information that is entitled to confidential treatment under Florida law has been highlighted. Exhibit A was submitted separately in a sealed folder marked "CONFIDENTIAL" and was assigned PSC Document No. 08822-08.
- b. All information for which confidential treatment was sought had been redacted in Exhibit B, which is an edited and publicly available version of the Data Request Response, and which has been assigned PSC Document No. 08821-08.

- c. Green Mountain is submitting a new revised Exhibit C, which is a table containing the specific line and page references of the selected items or sections of the Data Request Response for which confidential treatment is sought and, with regard to each section thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.
- d. Green Mountain is also submitting a new Exhibit D, which is the affidavit of John Holtz, Director of Operations - East Region.

3. The information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. As the affidavit indicates, that information has not been publicly disclosed. Pursuant to Section 366.093, as a matter of public policy not unique to Florida, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of

disclosure against the public interest in access to the information.

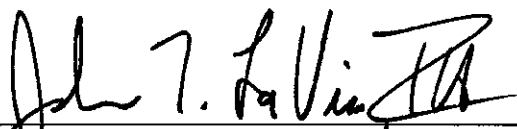
4. As Mr. Holtz's affidavit indicates (see Exhibit D), and as referenced in Exhibit C, the Data Request Response includes information involving the competitive interests of Green Mountain, which if disclosed could harm its competitive business. This information is protected by Section 366.093(3)(e); Florida Statutes.

5. Green Mountain has had no objection and continues to have no objection to the full disclosure of this information to the Florida Public Service Commission and its Staff; however, certain portions, if publicly disclosed, could violate nondisclosure agreements with other parties or otherwise harm Green Mountain.

6. Upon a finding by the Commission that the material in Exhibit A for which Green Mountain seeks confidential treatment is proprietary confidential business information with the meaning of Section 366.093(3), Florida Statutes, such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to Green Mountain as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4), Florida Statutes.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Green Mountain Energy Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 9th day of October, 2008.



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Attorneys for Green Mountain  
Energy Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 9th day of October, 2008, to:

Katherine Fleming, Senior Attorney\*  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

J. R. Kelly  
Office of the Public Counsel  
c/o The Florida Legislature  
Gerald L. Gunter Building  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

R. Wade Litchfield, Vice President  
and Associate General Counsel  
Jessica A. Cano, Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420


  
\_\_\_\_\_  
Attorney

Exhibit A

PSC Document  
No. 08822-08

(Previously  
submitted)

Exhibit B

PSC Document  
No. 08821-08

(Previously  
submitted)



EXHIBIT C

COMPANY: Green Mountain Energy Company  
TITLE: Confidential Portions of Response to Staff  
Data Request  
AUDIT: Green Mountain, Sunshine Energy Program 2007  
DOCKET NO. 070626-EI

Data Request Response Page No.	Description	Line No.	Florida Statute 386.093(3) Subsection	Affiant
2	Portions of response to data request No. 2	Lines 30-32	(e)	John Holtz
3	Portions of response to data request No. 2	Lines 23-27	(e)	John Holtz
6	Portions of response to data request No. 7	Lines 24-34	(e)	John Holtz
7	Portions of response to data request No. 7	Lines 8-9	(e)	John Holtz
8	Portions of response to data request No. 10	Lines 35-36	(e)	John Holtz
12	Portions of note on questions Nos. 14-17	Lines 32, 33, 39 (Percentages only)	(e)	John Holtz



5. Affiant says nothing further.

John Holtz  
John Holtz

**SWORN TO AND SUBSCRIBED** before me this 8<sup>th</sup> day of  
October, 2008, by John Holtz, who is personally known to me or  
who has produced drivers license (type of  
identification) as identification and who did take an oath.

Fiona L Soffel  
Notary Public, State of New Jersey

My Commission Expires: April 19<sup>th</sup> 2012

