

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

May 20, 2024

BY HAND-DELIVERY

Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

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COMMISSION
CLERK

Re: In re: Commission review of numeric conservation goals (JEA),
Docket No. 20240016-EG

Dear Mr. Teitzman:

Enclosed please find the following documents:

- JEA's Second Request for Confidential Classification
 - Exhibit A - flash drive marked CONFIDENTIAL Exhibit A
 - Exhibit B - Explanation of confidential information

Please acknowledge receipt and filing of the above. If you have any questions concerning this filing, please contact me at 850-567-5762.

Thank you for your assistance in this matter.

HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIAK PLLC

By: 

Counsel for JEA

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (JEA)

DOCKET NO.: 20240016-EG
SERVED: May 20, 2024

JEA’S SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION

JEA, by and through undersigned counsel and, pursuant to Section 366.093, Florida Statutes, (“F.S.”) and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain information (the “Confidential Information”) provided in response to Staff’s First Request for Production of Documents (No. 1).¹

1. The following exhibits are included and made a part of this request:
 - a. Exhibit A is an electronic storage device containing an unedited version of the Confidential Information. The Confidential Information consists of an Excel spreadsheet that includes proprietary Confidential Information that is proprietary to Resource Innovations, who performed analyses discussed in the testimony of James Herndon.
 - b. Exhibit B is a table that identifies the specific data fields for which JEA is requesting confidential classification and the statutory bases for the claim of confidentiality.

2. Section 366.093(1), F.S., provides that “Upon request of the public utility or other person, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07 (1).” Section

¹ The same information was produced pursuant to Florida Rising’s First Request for Production of Document (Nos. 1-2) subject to JEA’s First Request for Confidential Classification filed in this docket on May 15, 2024.

366.093(3), F.S., defines proprietary confidential business information to mean information that is (i) intended to be and is treated as private confidential information by Resource Innovations (ii) because disclosure of the information would cause harm, (iii) to Resource Innovations' business operation, and (iv) the information has not been voluntarily disclosed to the public. Additionally, Section 366.093(3)(e), F.S., defines "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" as proprietary confidential business information, and Section 366.093(3)(a), F.S., specifically includes "trade secrets" within the scope of information to be protected.

3. Exhibit B to this Request is a matrix identifying specific information within these responses and documents which are considered confidential, along with the specific statutory justification for seeking confidential classification.

4. JEA is requesting confidential classification of the confidential file identified in Exhibit B. That document includes demand response analysis workbooks that include confidential adoption rate curve data that is proprietary to Resource Innovations, who performed analyses discussed in Jim Herndon's testimony. Disclosure of such confidential information would harm the competitive interests of Resource Innovations. Accordingly, the information identified in Exhibit B qualifies for confidential classification under Section 366.093(3)(d), Florida Statutes.

5. JEA requests that the information identified above be classified as "proprietary confidential business information" within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), F.S., and that the information be returned to JEA as soon as it is no longer necessary.

WHEREFORE, for the foregoing reasons, and as set forth in Exhibit B hereto, JEA respectfully requests that its First Request for Confidential Classification be granted.

Respectfully submitted this 20th day of May, 2024.

/s/Gary V. Perko

Gary V. Perko (FBN 855898)

gperko@holtzmanvogel.com

Mohammad O. Jazil (FBN 72556)

mjazil@holtzmanvogel.com

Valerie L. Chartier-Hogancamp (FBN
1011269)

vhogancamp@holtzmanvogel.com

Holtzman Vogel Baran

Torchinsky & Josefiak PLLC

119 South Monroe Street, Suite 500

Tallahassee, Florida 32301

(850) 270-5938

Counsel for JEA

CERTIFICATE OF SERVICE

I hereby certify that on May 20th, 2024, a true and correct copy of the foregoing has been furnished by electronic mail to the following:

Jacob Imig
Jonathan H. Rubottom
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
jimig@psc.state.fl.us
jrubotto@psc.state.fl.us
discovery-gcl@psc.state.fl.us

Bradley Marshall
Jordan Luebke
111 S. Martin Luther King Jr. Blvd.
Tallahassee FL 32301
bmarshall@earthjustice.org
jluebke@earthjustice.org

Erik Saylor
Florida Department of Agriculture and
Consumer Services
The Mayo Bldg, Suite 520
407 S. Calhoun Street
Tallahassee FL 32399
Erik.Saylor@FDACS.gov

Patricia A. Christensen
christensen.patty@leg.state.fl.us
Walt Trierweiler
trierweiler.walt@leg.state.fl.us
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

William C. Garner
3425 Bannerman Rd. Unit 105, No. 414
Tallahassee FL 32312
bgarner@wcglawoffice.com

/s/ Gary V. Perko
Attorney for JEA

Exhibit B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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<u>Document (File Name)</u>	<u>Description of Data Fields</u>	<u>Statutory Justification</u>
Staff POD 1-1_JEA_DR Program Development - JEA - LCI (RI CONFIDENTIAL).xlsx	DR AP analysis and results - includes proprietary RI adoption rate data and FPL avoided cost by measure.	§ 366.093(3)(a) and (e), Fla. Stat.

Explanation of Confidential Information: The files identified about include demand response analysis workbooks that include confidential adoption rate curve data that is proprietary to Resource Innovations, who performed analyses discussed in Jim Herndon's testimony. Disclosure of such confidential information would harm the competitive interests of Resource Innovations