

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

May 21, 2024

BY HAND-DELIVERY

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

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2024 MAY 21 PM 3:22
COMMISSION
CLERK

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

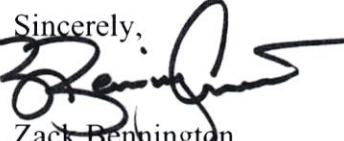
Dear Mr. Teitzman:

Enclosed please find the following:

- 1) JEA's Corrected First Request for Confidential Classification. Please note that this request is corrected as to the docket number only. All other contents of JEA's first request filed on May 15, 2024, remain the same.
- 2) A flash drive with CONFIDENTIAL Exhibit A, Bates Labeled JEA_00000282-JEA_00000288

The password to access the flash drive containing the confidential files will be provided under separate cover. Please acknowledge receipt and filing of the above. If you have any questions concerning this filing, please contact me at 762-585-0490 or by email at zbennington@holtzmanvogel.com.

Thank you for your assistance in this matter.

Sincerely,

Zack Bennington
Paralegal

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric) DOCKET NO. 20240016-EG
Conservation Goals (JEA))
_____) Dated: May 21, 2024

**JEA's CORRECTED¹ FIRST 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 Florida Rising's First Request for Production of Documents (Nos. 1-2), which information is also being provided to the Commission pursuant to Order No. PSC-2024-0022-PCO-EG.

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 lengthy Excel spreadsheets that include 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

¹ Corrected as to docket number only. All other contents of this request remains the same as filed with JEA's original first request on May 15, 2024.

business information shall be kept confidential and shall be exempt from s. 119.07 (1).” Section 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 files identified in Exhibit B. Those documents are 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 21st day of May, 2024.

/s/Gary V. Perko _____

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CERTIFICATE OF SERVICE

I hereby certify that on May 21st, 2024, a true and correct copy of the foregoing has been furnished by electronic mail to the following:

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Attorney for JEA

Exhibit A

**JEA's CORRECTED FIRST REQUEST FOR
CONFIDENTIAL CLASSIFICATION**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric) DOCKET NO. 20240016-EG
Conservation Goals (JEA))
_____) Dated: May 21, 2024

Exhibit A

Exhibit A is a flash drive containing the confidential documents. The Bates range for the confidential documents is: JEA_00000282-JEA_00000288.

Exhibit B

**JEA's CORRECTED FIRST REQUEST FOR
CONFIDENTIAL CLASSIFICATION**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric)
 Conservation Goals (JEA))
 _____)

DOCKET NO. 20240016-EG

Dated: May 21, 2024

<u>Document (File Name)</u>	<u>Description of Data Fields</u>	<u>Statutory Justification</u>
FPL - AC Equipment Cost by SEER (2018 PIC Survey)_adjusted(FPL CONFIDENTIAL).xlsx	cost survey on Res HVAC equipment	§ 366.093(3)(a) and (e), Fla. Stat.
DR AP JEA - RESIDENTIAL (RI CONFIDENTIAL).xlsx	DR AP analysis and results - includes proprietary RI adoption rate data and DEF avoided cost by measure	§ 366.093(3)(a) and (e), Fla. Stat.
DR AP JEA - SMB (RI CONFIDENTIAL).xlsx	DR AP analysis and results - includes proprietary RI adoption rate data and DEF avoided cost by measure	§ 366.093(3)(a) and (e), Fla. Stat.
DR AP 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.
DR Program Development - JEA - RESIDENTIAL (RI CONFIDENTIAL).xlsx	DR program planning market adoption estimates and cost-benefit analysis	§ 366.093(3)(a) and (e), Fla. Stat.
DR Program Development - JEA - SMB (RI CONFIDENTIAL).xlsx	DR program planning market adoption estimates and cost-benefit analysis	§ 366.093(3)(a) and (e), Fla. Stat.
DR Program Development - JEA - LCI (RI CONFIDENTIAL).xlsx	DR program planning market adoption estimates and cost-benefit analysis	§ 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. This information is not generally known to, and not readily ascertainable by proper means by other persons who are in position to obtain economic value from its disclosure or use. Disclosure of such confidential information would harm the competitive interests of Resource Innovations