

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Declaratory  
Statement Regarding Eligibility  
For Standard Offer Contract And  
Payment Thereunder By Florida  
Power Corporation

DOCKET NO. 950110-EI

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**NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION**

COMES NOW, PANDA-KATHLEEN, L.P./PANDA ENERGY CORPORATION, [hereinafter "Panda"], by and through its undersigned counsel of record, and pursuant to Rule 25-22.006, Florida Administrative Code, and, to the extent applicable, pursuant to the August 3, 1995 Agreed Order for the Handling of Confidential Information in Panda-Kathleen L.P. v. Florida Power Corporation, United States District Court (Middle District of Florida), case No. 95-992-CIV-T-24C<sup>1</sup>, Panda hereby files this Notice of Intent to Request Confidential Classification herein. In support thereof, Panda provides the following:

1. Panda has filed herein the direct testimony of Darol Lindloff, along with Exhibits DL-1 through DL-5. Exhibit DL-5 was not filed along with the direct testimony, in that exhibit DL-5 is classified as confidential information and is therefore the subject of this Notice of Intent to Request Confidential Classification.

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<sup>1</sup>On December 29, 1995, Florida Power Corporation filed herein a Motion Requesting Approval of Stipulation Confirming Agreement Regarding Discovery, wherein Florida Power requested for the Commission to grant approval of Florida Power and Panda's Stipulation Confirming Agreement Regarding Discovery and the August 3, 1995 Agreed Order for the Handling of Confidential Information. Such motion is presently pending before the Commission.

DOCUMENT NUMBER-DATE

00254 JAN-88

FPSC-RECORDS/REPORTING

1298


2. Attached hereto is a Request for Confidential Classification, and pursuant to Rule 25-22.006(4)(a), Florida Administrative Code, one copy of the material for which confidential treatment is requested is being attached to the Request for Confidential Classification.

3. Pursuant to Rule 25-22.006, Florida Administrative Code, and further pursuant to the August 3, 1995 Agreed Order for the Handling of Confidential Information from Panda-Kathleen, L.P. v. Florida Power Corporation, United States District Court (Middle District of Florida), Case No. 95-992-CIV-T-24C, and as requested by the Public Service Commission, Division of Records and Reporting, one copy of all material for which confidential treatment is requested, is being filed in a sealed fashion, pending a ruling on the Request for Confidential Classification.

4. Counsel for Florida Power Corporation has been contacted, and has authorized undersigned counsel to represent that Florida Power has no objection to this Notice of Intent to Request Confidential Classification, and also has no objection to the Request for Confidential Classification being granted.

Respectfully submitted,

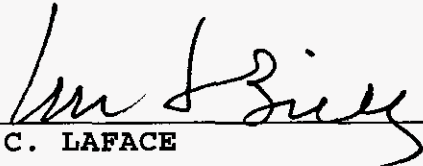
**GREENBERG, TRAURIG, HOFFMAN, LIPOFF,  
ROSEN & QUENTEL, P.A.**  
101 East College Avenue  
Post Office Drawer 1838  
Tallahassee, FL 32302  
(904) 222-6891



**RONALD C. LAFACE**  
(Fla Bar ID No. 098614)  
**LORENCE JON BIELBY,**  
(Fla Bar ID No. 0393517)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail/~~Hand Delivery~~<sup>AND</sup>/Telecopy to Donald R. Schmidt, Esquire, and Steven Dupre, Esquire, Post Office Box 2861, Saint Petersburg, Florida 33731, by ~~U.S. Mail/Hand Delivery/Telecopy~~ to Robert Vandiver, Esquire, and Martha Carter-Brown, Esquire, Florida Public Service Commission, 2450, Shumard Oak Boulevard, Tallahassee, Florida 32399-0892, by U.S. Mail/~~Hand Delivery~~<sup>AND</sup>/Telecopy to James A. McGee, Esquire, and Jeffery A. Froeschloe, Esquire, Post Office Box 14042, St. Petersburg, Florida 33733-4042, this 8 day of JAN, 1995.



**RONALD C. LAFACE**

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REQUEST FOR CONFIDENTIAL CLASSIFICATION

COMES NOW, **PANDA-KATHLEEN, L.P./PANDA ENERGY CORPORATION**, [hereinafter "Panda"], by and through its undersigned counsel of record, and pursuant to Rule 25-22.006, Florida Administrative Code, and, further pursuant to the August 3, 1995 Agreed Order for the Handling of Confidential Information in Panda-Kathleen L.P. v. Florida Power Corporation, United States District Court (Middle District of Florida), case No. 95-992-CIV-T-24C<sup>1</sup>, Panda respectfully files this Request for Confidential Classification of material herein. In support thereof, Panda provides the following:

1. Panda has filed herein the direct testimony of Darol Lindloff, which includes Exhibits DL-1 through DL-5. Exhibit DL-5 was not filed with the direct testimony. Exhibit DL-5 is the specific exhibit for which this Notice of Intent is being filed.

2. Pursuant to Rule 25-22.006(4)(a), Florida Administrative Code, one copy of the material for which confidential treatment is

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4. Exhibit DL-5 from the direct testimony of Darol Lindloff, is attached hereto [sealed] and included herein as Exhibit "A". This Request for Confidential Classification applies to the entire Exhibit DL-5.

5. Exhibit DL-5 is a January 10, 1995 Internal Panda Memo from Darol Lindloff to Kyle Woodruff re: issues covered in January 6, 1995 meeting with Florida Power Corporation [6 pages].

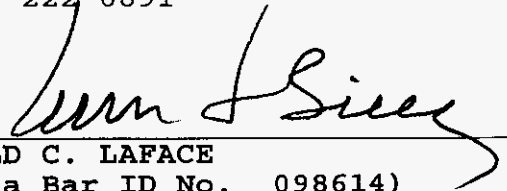
6. Florida Power Corporation and Panda have agreed and hereby stipulate that these documents are confidential, and Florida Power therefore has authorized the undersigned counsel to represent that Florida Power has NO OBJECTION to this Request for Confidential Classification being granted. Pursuant to Rule 25-22.006(4)(d), the parties affirmatively state that such material is intended to be and is treated by Florida Power as private and has not been disclosed.

7. Pursuant to Rule 25-22.006(4)(c), Florida Administrative Code, Florida Power and Panda have stipulated and agree that the material meets the statutory exemption criteria as outlined in Sections 364.183(3), 366.093(3), or 367.156(3), Florida Statutes. Specifically, such material constitutes "proprietary confidential business information" which is owned or controlled by Panda and which is intended to be and is treated by Panda as private. Further, such material relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information, in this case, Panda Energy Corporation [Panda].

WHEREFORE, **PANDA-KATHLEEN, L.P./PANDA ENERGY CORPORATION**, respectfully requests for the Commission to grant this Request for Confidential Classification for such material as attached hereto and as outlined herein.

Respectfully submitted,

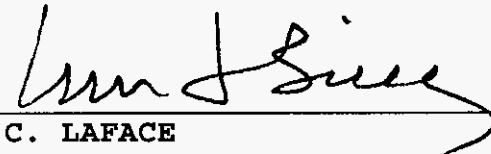
**GREENBERG, TRAURIG, HOFFMAN, LIPOFF,  
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**RONALD C. LAFACE**  
(Fla Bar ID No. 098614)  
**LORENCE JON BIELBY,**  
(Fla Bar ID No. 0393517)

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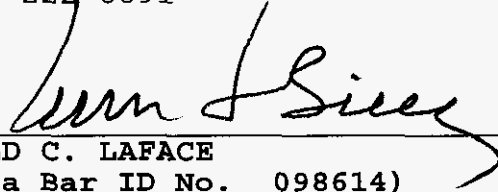
  
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RONALD C. LAFACE

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WHEREFORE, **PANDA-KATHLEEN, L.P./PANDA ENERGY CORPORATION**, respectfully requests for the Commission to grant this Request for Confidential Classification for such material as attached hereto and as outlined herein.

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