

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

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-24C¹, 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 Ralph Killian, which includes Exhibits RK-1 through RK-15. Exhibits RK-3, and RK-5, were not filed with the direct testimony. Exhibit RK-3 and Exhibit RK-5 are the specific exhibits for which this Request for Confidential Classification is being filed. Further, pages 5, 24, and 25 of the direct testimony of Ralph Killian were filed in redacted form, due to the references to and discussion about

¹On 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

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Exhibits RK-3 and RK-5 on those pages. This Request for Confidential Classification similarly applies to pages 5, 24, and 25 of the direct testimony of Ralph Killian.

2. 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 this 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. Exhibit RK-3 and Exhibit RK-5, along with non-redacted pages 5, 24 and 25 from the direct testimony of Ralph Killian, are attached hereto [sealed] and included herein as Composite Exhibit "A". This Request for Confidential Classification applies to the entire Exhibit RK-3 and entire Exhibit RK-5, and also applies to the entire non-redacted pages of the direct testimony of Ralph Killian, pages 5, 24 and 25. Redacted pages 5, 24 and 25 of such direct testimony of Ralph Killian have already been filed with the Commission along with such testimony.

5. Exhibit RK-3 is entitled "Florida Power Corporation Evaluation of Standard Offer Proposals," dated November, 1991 [21 pages].

6. Exhibit RK-5 is entitled "Cogeneration Review; an Assessment of Florida Power's Qualifying Facility (Cogeneration) Purchases Energy Distribution Department," dated December, 1993 [29 pages].

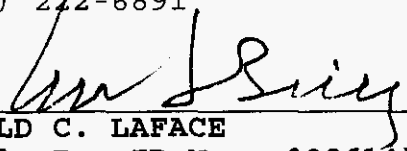
7. Florida Power Corporation and Panda have agreed and hereby stipulate that these documents are confidential, and Florida Power therefore has authorized the undersigned counsel to represent that Florida Power has NO OBJECTION to this Request for Confidential Classification being granted. Pursuant to 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.

8. 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 the Florida Power Corporation which is intended to be and is treated by Florida Power 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, Florida Power.

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,

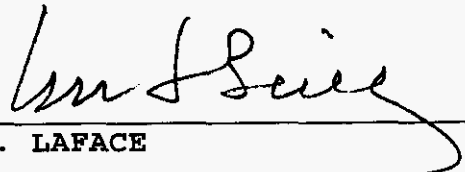
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RONALD C. LAFACE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail/~~Hand Delivery~~^{AND}/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~~^{AND}/Telecopy to James A. McGee, Esquire, and Jeffery A. Froeschloe, Esquire, Post Office Box 14042, St. Petersburg, Florida 33733-4042, this 2 day of JAN., 1995.



RONALD C. LAFACE