

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Determination of)
Need for the Osprey Energy Center in)
Polk County by Seminole Electric)
Cooperative, Inc. and Calpine)
Construction Finance Company, L.P.)
_____)

DOCKET NO. 001748-EC

FILED: January 30, 2001

RECORDS AND REPORTING
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CASE# 001748-EC

**Seminole Electric Cooperative, Inc.'s Request for Confidential Classification
and Motion for Permanent Protective Order**

Seminole Electric Cooperative, Inc. (Seminole), pursuant to section 366.093, Florida Statutes, and rule 25-22.006(4), Florida Administrative Code, files this request for confidential classification and a permanent protective order regarding certain information contained in Late-Filed Exhibit number 1 to the deposition of Garl Zimmerman taken by the Commission Staff on January 25, 2001. As grounds therefor, Seminole states:

1. On December 4, 2000 Seminole and Calpine Construction Finance Company, L.P. (Calpine) filed a Joint Petition to Determine Need for the Osprey Energy Center in Polk County (Joint Petition). Contained within Volume I of the Revised Exhibits to the Amended Joint Petition is certain commercially sensitive, confidential business information which relates to the manner in which Seminole ranked and evaluated responses to its Request for Proposals (RFP) which resulted in the selection of the Calpine proposal. The information is the subject of a Request for Confidential Classification and Motion for Protective Order that Seminole filed on January 10, 2001.

2. On January 25, 2001 the Commission Staff deposed Seminole witness Garl Zimmerman. The Staff asked Mr. Zimmerman to provide as a late-filed exhibit, the back-up data detailing the calculations which resulted in the summary rankings that are included in Volume I of

the Revised Exhibits to the Joint Petition.

3. This more detailed information on the ranking and assessment of RFP responses for which Seminole seeks confidential classification is of the type which is to be protected from public disclosure pursuant to section 366.093, Florida Statutes, and is therefore exempt from section 119.07(1), Florida Statutes.

4. A redacted version of the Late-Filed Exhibit to Mr. Zimmerman's deposition is attached as Exhibit A. One copy of the confidential information subject to this request, highlighted in transparent ink, has been attached as Exhibit B. **Exhibit B has been placed in a separate envelope marked "Confidential" and should be given confidential treatment by the Commission.** There is only one copy of Exhibit B, which is attached to the original filing copy hereof.

The information for which confidential classification is sought is described below.

- The numerical values, shown in spreadsheet form, which comprise the basis for the calculation of the relative costs to Seminole of responses to an RFP. These values underlie the ranking by dollar amount of the top bidders based on savings in present value revenue requirements, shown on Table 11 of Volume I of the Revised Exhibits to the Amended Joint Petition (page 29, lines 4-7).

The justification set forth below applies to the information for which confidential information is sought, described above.

5. The above information is proprietary, confidential business information, as defined in section 366.093(3), Florida Statutes, in that it is controlled by Seminole representatives; is treated by Seminole as private; disclosure would harm Seminole's operations by limiting its ability to engage in meaningful solicitations in the future; and the information has not been disclosed other than on a "need to know" basis within Seminole.

6. The information described above is in the nature of a trade secret, section

366.093(3)(a), because it is secret, of value for use in Seminole's business, of advantage to Seminole over those who do not possess it, and because Seminole takes measures to prevent its disclosure. *See*, section 812.081(c) (definition of "trade secret").

7. Further, such information regarding Seminole's assessment and ranking of competitive bids relates directly to Seminole's competitive interests and its ability to secure the most cost-effective options for its Members in the marketplace. Disclosure of such information would directly impair Seminole's competitive interests both currently and in the future. Section 366.093(3)(e).

8. The bid ranking and assessment information Seminole seeks to protect is competitively and commercially valuable to Seminole. If the information were to be made public, it would provide these bidders and others with valuable insight into Seminole's evaluation and assessment process which could be used in future RFP responses. The information would also disclose the level of bids received, thereby impairing the ability of Seminole to receive the most competitive bid within the ability of a respondent to submit. Thus, disclosure of this information would harm Seminole and such information should not be disclosed to the public.

9. Potential bidders regard their pricing proposals as confidential and competitively sensitive. During the RFP process Seminole committed to the potential respondents that Seminole would safeguard the competitively sensitive aspects of responses as confidential, as permitted by applicable law. The bidders whose information is the subject of the comparisons would be reluctant to respond to an RFP if they did not have confidence that the confidentiality of their commercially sensitive information, such as pricing proposals, would be protected. Such a lack of confidence could result in fewer responses to an RFP and potentially higher costs to Seminole and its Members.

WHEREFORE, Seminole requests that the Commission enter an order classifying the information described here in as confidential and protecting it from disclosure.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Seminole Electric Cooperative, Inc.'s Request for Confidential Classification and Motion for Permanent Protective Order has been furnished by (*) hand delivery this 30th day of January 2001, to the following parties of record:

(*) Robert Elias
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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Data Detail for Table 11 "Calpine Osprey: Savings (PVRR) when compared to:"
(\$ X 1000)

TOTAL	2004	2005	2006	2007	2008
STUDY #1 Calpine (350 MW)					
Fixed Costs \$	\$	\$	\$	\$	\$
***** Variable Cos\$	\$	\$	\$	\$	\$
***** Total Costs \$	\$	\$	\$	\$	\$
Bidder 2					
Fixed Costs \$	\$	\$	\$	\$	\$
***** Variable Cos\$	\$	\$	\$	\$	\$
***** Total Costs \$	\$	\$	\$	\$	\$
Difference					
Fixed Costs \$	\$	\$	\$	\$	\$
Variable Cos \$	\$	\$	\$	\$	\$
Total Costs \$	\$	\$	\$	\$	\$
\$ x 100 \$:	\$	\$	\$	\$	\$
STUDY #2 Calpine (100 MW)					
Fixed Costs \$	\$	\$	\$	\$	\$
***** Variable Cos\$	\$	\$	\$	\$	\$
***** Total Costs \$	\$	\$	\$	\$	\$
Bidder 3					
Fixed Costs \$	\$	\$	\$	\$	\$
***** Variable Cos\$	\$	\$	\$	\$	\$
***** Total Costs \$.	\$	\$	\$	\$	\$
Difference					
Fixed Costs \$	\$	\$	\$	\$	\$
Variable Cos \$	\$	\$	\$	\$	\$
FOR					
Total Costs \$	\$	\$	\$	\$	\$
350 MW					

	\$	\$	\$ x 100	\$	\$	\$	\$
Bidder 4							
\$			Fixed Costs	\$	\$	\$	\$
*****			Variable Cos\$.	\$	\$	\$	\$
*****			Total Costs	\$	\$	\$	\$
Difference							
\$			Fixed Costs	\$	\$	\$	\$
\$			Variable Cos	\$	\$	\$	\$
			FOR				
\$			Total Costs	\$	\$	\$	\$
\$			350 MW				
\$			\$ x 100	\$	\$	\$	\$
STUDY #3 Self-build (350 MW)							
\$			Fixed Costs	\$	\$	\$	\$
*****			Variable Cos\$.	\$	\$	\$	\$
*****			Total Costs	\$	\$	\$	\$
Difference							
\$				\$	\$	\$	\$
\$			\$ x 100	\$	\$	\$	\$

Notes: Fixed costs

Variable costs

Discount rate

Outlined values correspond to Table 11 values.

The self-build option is compared to Calpine's costs in

Study #1.