

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Municipal Power Agency for Determination of Need for Proposed Electrical Power Plant.

DOCKET NO. 050256-EM

FILED: April 13, 2005

FLORIDA MUNICIPAL POWER AGENCY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida Municipal Power Agency ("FMPA"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request For Confidential Classification of certain information provided in Appendix D to the Need for Power Application submitted with the petition in this proceeding. In support of this Request, FMPA states:

1. Contemporaneously with this Request, PEF is filing a petition for determination of need for a proposed power plant, along with a Need for Power Application identified as Exhibit No. \_ (FMPA-1). As explained below, Appendix D to the Need for Power Application contains information that is "proprietary business information" under Section 366.093(3), F.S.

2. The following exhibits are included with this request:

(a) Exhibit A is a package containing two copies of a redacted version of the

documents for which FMPA requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(b) Exhibit B is a package containing an unredacted copy of the documents

for which FMPA seeks confidential treatment. Exhibit B is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow.

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3. Appendix D to the Need for Power Application is a detailed summary of responses to a Request for Power Supply Proposals (RFP) issued by FMPA on September 22, 2004, along with a summary of FMPA's evaluation of certain criteria. The RFP provided for the confidentiality of proprietary business information submitted in response to the RFP. Specially, Section 13 of RFP states:

All proposals shall become the property of FMPA. FMPA will not disclose to third parties any information that is clearly labeled "Proprietary Confidential Business Information" in a proposal unless such disclosures are required by law or by order of a court or government agency having appropriate jurisdiction. Each page of Proprietary Confidential Business Information must be clearly labeled "PROPRIETARY CONFIDENTIAL BUSINESS INFORMATION" at the top of the page. FMPA reserves the right to disclose information contained in proposals to its consultant(s) or other third parties for the sole purpose of assisting in the proposal evaluation process. FMPA will require the consultant(s) or other third parties to maintain the confidentiality of the information to the extent permitted by law.

4. Two of the bidders who provided proposals in response to the RFP labeled pages of their proposal as proprietary confidential business information in accordance with the RFP. Some of this information is included in Appendix D of the Need for Power Application. Specifically, the confidential information included in Appendix D is identified by page, line, and where applicable, column in Attachment A to this Request, along with the specific statutory justification for seeking confidential classification.

5. All of the information identified in Attachment A relates to bids or other contractual data, the disclosure of which would impair the efforts of FMPA to contract for goods or services on favorable terms. *See* Section 366.093(3)(d), F.S. The purpose of FMPA's RFP was to obtain potentially favorable contract terms for supply-side alternatives to its next-planned generating unit to provide capacity required to meet the reliability needs of FMPA's All-Requirements Project (ARP). Without assurances that the terms of the bids received will not be publicly disclosed, potential bidders might withhold sensitive engineering, construction, cost, or

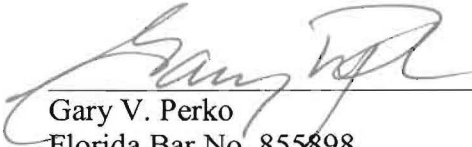
other information necessary for FMPA to understand and assess the costs and benefits of their proposals. Further, without assurances of non-disclosure, potential bidders might choose at to respond to the RFP. In either case, FMPA's efforts to contract for goods and services on favorable terms would be impaired by disclosure of the information deemed confidential by bidders. Accordingly, the information identified in Attachment A qualifies for confidential classification under Section 366.093(3)(d), Florida Statutes. *See* Order No. PSC-04-1061-CFO-EI; Order No. PSC-01-2195-CFO-EM.

6. The information for which FMPA seeks confidential treatment is intended to be and is treated as confidential by FMPA. The information has not been disclosed to the public.

7. FMPA 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 as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Florida Municipal Power Agency, respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of April, 2005.

  
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## ATTACHMENT A

<b>Page</b>	<b>Location</b>	<b>Description</b>	<b>Statutory basis</b>
D-2	Line 1	Name of bidder	§ 366.093(3)(d), F.S.
D-2	Lines 2-6, 7-13, 14-16, 17, 18, 19-20	Terms of proposal	§ 366.093(3)(d), F.S.
D-4	Line 1	Name of bidder	§ 366.093(3)(d), F.S.
D-4	Lines 2-17, 18, 19, 20-26	Terms of proposal	§ 366.093(3)(d), F.S.
D-5	Lines 1-4, 5-6, 7, 8-18	Terms of proposal	§ 366.093(3)(d), F.S.
D-6	Col. A, lines 1-4, 9-14, 15-20, 21-25	Terms of proposal	§ 366.093(3)(d), F.S.
D-6	Col. B, lines 1-7, 9-11, 21-26	Terms of proposal	§ 366.093(3)(d), F.S.
D-6	Col. C, lines 1-8, 9-11, 21-26	Terms of proposal	§ 366.093(3)(d), F.S.
D-7	Col. A, lines 1, 2-4	Terms of proposal	§ 366.093(3)(d), F.S.
D-7	Col. B, lines 1, 3-4	Terms of proposal	§ 366.093(3)(d), F.S.
D-7	Col. C, lines 1, 3-4	Terms of proposal	§ 366.093(3)(d), F.S.