

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF FLORIDA**

In Re: Petition Of Orlando Utilities
Commission For Determination of
Need of the Proposed Stanton Energy
Center Combined Cycle Unit B

Docket No. 060155-EM

Filed: February 22, 2006

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Southern Power Company – Orlando Gasification LLC ("SPC-OG"), with the agreement and consent of the Orlando Utilities Commission ("OUC"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(4), Florida Administrative Code, respectfully requests that the Commission classify as confidential certain specified information in OUC's Need for Power Application (the "NPA"). The NPA is being submitted to the Commission in support of OUC's Petition for Determination of Need of the Proposed Stanton B Combined Cycle Unit to be constructed at the Curtis H. Stanton Energy Center in Orlando, Florida ("Need Petition"). In support of its request for confidential classification, SPC-OG states:

1. The NPA submitted with the Need Petition contains information required to be submitted as part of a need determination proceeding pursuant to Rule 25-22.081, Florida Administrative Code, and includes certain confidential pricing information, trade secrets and other sensitive contract terms and conditions that have been negotiated by the parties. Accordingly, the NPA submitted with the Need Petition was filed by OUC in redacted form to protect certain specified sensitive, confidential information.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

2. The specified sensitive, confidential information in the NPA is entitled to confidential classification, pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and is exempt from Section 119.07(1), Florida Statutes, and Article I, Section 24(a) of the Florida Constitution, because it is proprietary confidential business information.

3. Section 366.093(3) provides that proprietary confidential business information is:

information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to . . . the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

(a) Trade secrets.

. . .

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

§ 366.093(3)(a) and (e), Fla. Stat.(2005).

4. The disclosure of the specified sensitive, confidential information in the NPA would harm the competitive business positions of SPC-OG, its parent, Southern Power Company ("Southern Power"), and Southern Power's parent, Southern Company.¹ Specifically, if the confidential, competitively sensitive information in the NPA is made

¹ SPC-OG is a wholly owned subsidiary of Southern Power. Southern Power is one of the six operating subsidiaries of Southern Company and was created to own and manage wholesale generating assets and related facilities in the Southeast. For purposes of this request, SPC-OG and its affiliates are collectively referred to as Southern Affiliates.

public, it will be available to actual or potential competitors, vendors and customers of SPG-OC and its Southern Affiliates. Disclosure of the sensitive, confidential information in the NPA to anyone other than OUC, and those employees of the Commission that need to review the information as part of the need determination proceeding, would harm the competitive interests of SPC-OG and its Southern Affiliates, particularly their ability to negotiate and enter into similar contracts on reasonable business terms. Accordingly, the information constitutes proprietary confidential business information entitled to protection from disclosure pursuant to Section 366.093(1)(3)(a) and (e), Florida Statutes, and Rule 25-22.006, Florida Administrative Code.²

5. The following documents supporting this request are attached hereto and incorporated by reference herein:

Exhibit A: A justification “matrix” supporting SPC-OG’s Request for Confidential Classification of the confidential information redacted in the NPA, identified on a page-by-page, line-by-line basis. The original and fifteen (15) copies of the redacted NPA have been contemporaneously filed in this docket with the Need Petition.

Exhibit B: The NPA with the confidential information subject to this request highlighted in transparent ink. This document has been placed in a sealed box marked “Confidential” and should be given confidential treatment by the Commission. There is only one copy of this Exhibit B, which is attached to the original filing copy hereof.

² The specified sensitive and confidential information in the NPA is also exempt from Section 119.07(1) as proprietary confidential business information as that phrase is defined in Section 163.01(15)(m), Florida Statutes, which is part of the Florida Interlocal Cooperation Act of 1969, as amended.

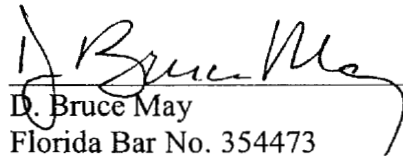
6. Pursuant to Rule 25-22.006(4)(d), Florida Administrative Code, SPC-OG affirms that the material identified as confidential in Exhibit B hereto is intended to be and is treated by SPC-OG and its Southern Affiliates as confidential. The undersigned has conferred with OUC and is authorized to represent that OUC affirms that the subject material identified as confidential in Exhibit B is intended to be and is treated by OUC as confidential.

7. Pursuant to Section 366.093(4), Florida Statutes, SPC-OG further requests that the specified confidential information in the NPA be classified by the Commission as confidential for the maximum period of 18 months, and that the unredacted copy of the NPA in the envelope marked "Confidential" be returned promptly to SPC-OG upon the closure of this docket.

WHEREFORE, SPC-OG respectfully requests that the information contained in the NPA and identified as confidential in Exhibit B hereto be classified as confidential and exempt from the Public Records Act, Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.

Respectfully submitted this 22nd day of February, 2006.

Respectfully submitted,

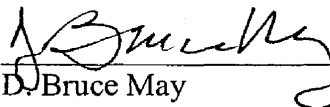


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**Attorneys for Southern Power Company
– Orlando Gasification LLC**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Harold McLean, Office of Public Counsel, 111 W. Madison Street, Suite 812, Tallahassee, Florida 32399 on this 22nd day of February, 2006.


D. Bruce May

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EXHIBIT "A"

Stanton B Need Determination
Docket No. _____

Request for Confidential Classification

NEED FOR POWER APPLICATION

<u>Section</u>	<u>Page</u>	<u>Line</u>	<u>Justification</u>
<u>Overview and Summary</u>			
1.1	1-2	18, 19	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
<u>Project Selection</u>			
6.2	6-3	23, 26, 29	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
<u>Description of the Project</u>			
7.5	7-18	22, 30, 32	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
7.5	7-20	6, 7, 11, 12, 14, Table 7-5	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
7.5	7-21	2, 4, 8, 10	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this

<u>Section</u>	<u>Page</u>	<u>Line</u>	<u>Justification</u>
			information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
7.7.1	7-21	28, 30, 32	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
7.7.2	7-22	10, 11	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
7.10	7-22	30, 32, 35	The redacted information represents confidential terms of the Project relating to availability which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
7.10	7-23	Table 7-6	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
7.10	7-24	6, Table 7-8	The redacted information represents confidential terms of the Project relating to pricing and availability which were the subject of sensitive negotiations. The disclosure of this information would impair the

<u>Section</u>	<u>Page</u>	<u>Line</u>	<u>Justification</u>
			competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on these subjects. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
<u>Economic Analysis</u>			
10.2.1.1	10-4	8, 12, 13, 15	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
10.2.1.2	10-4	23, 24, 28, 36, 37	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
10.2.1.2	10-5	Table 10-1	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
10.2.1.3	10-5	5	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
10.2.1.6	10-6	1, 3	The redacted information represents confidential terms of the Project relating to availability which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of

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			SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
10.3.3	10-9	Table 10-2	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
<u>Demand-Side Management</u>			
12.3.1	12-12	Table 12-3	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
<u>Financial Analysis</u>			
16.0	16-1	5	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
<u>Sensitivity Analyses Results</u>			
Appendix C	C-2	Table C-1	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-4	Table C-3	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of

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			SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-6	Table C-5	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-8	Table C-7	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-10	Table C-9	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-12	Table C-11	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-13	Table C-12	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would

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			impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-15	Table C-14	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-17	Table C-16	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-19	Table C-18	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.
Appendix C	C-21	Table C-20	The redacted information represents confidential terms of the Project relating to pricing which was the subject of sensitive negotiations. The disclosure of this information would impair the competitive interests of SPC-OG and its Southern Affiliates by informing their actual and potential competitors, vendors, and customers of the agreement on this subject. This, in turn, would impair the ability of SPC-OG and its Southern Affiliates to negotiate similar terms in future contract negotiations.

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