

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.
(850) 425-2359

July 11, 2008

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BY HAND DELIVERY

Ms. Ann Cole
Director, Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 080253-EM
Request for Confidential Classification
CONFIDENTIAL MATERIALS ENCLOSED

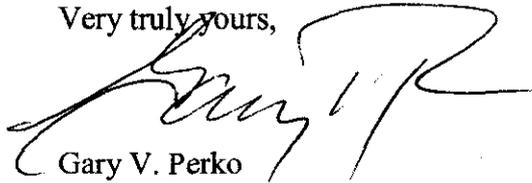
Dear Ms. Cole:

Enclosed for filing on behalf of Florida Municipal Power Agency, (FMPA) are the following:

- (1) The original and seven copies of FMPA's Request for Confidential Classification;
- (2) A package containing Exhibit A, which includes two redacted copies of the confidential documents; and
- (3) A CONFIDENTIAL package containing Exhibit B which includes one copy of the documents on which the confidential material has been highlighted.

2 Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,



Gary V. Perko

GVP/dg

1 copy Enclosures

recordscc: certificate of service

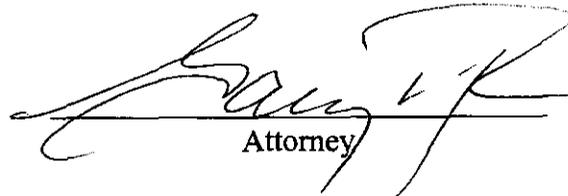
DOCUMENT NUMBER-DATE

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing FMPA's Request for Confidential Classification has been served by hand-delivery to the following parties on this 11th day of July, 2008:

Katherine Fleming
Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850



Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determination need for Cane
Island Power Park Unit 4 electrical power plant
in Osceola County, by Florida Municipal
Power Agency

DOCKET NO. 080253-EM

FILED: July 11, 2008

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**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 in documents provided in FMPA's Response to Staff's Second Request for Production of Documents, Request No. 4. In support of this Request, FMPA states:

1. On June 24, 2008, FMPA served its Response to Staff's Second Request for Production of Documents, Request No. 4. As further explained below, in response to Staff's Request, FMPA provided documents containing information that is "proprietary business information" under Section 366.093(3), Florida Statutes. Also on June 24, 2008, FMPA timely filed a Notice of Intent to Request Confidential Classification of the document.¹ This formal Request for Confidential Classification is now being filed within the time period specified in Rule 25-22.006(3)(a), Florida Administrative Code.

2. The following exhibits are included with this request:

(a) Exhibit A is a package containing two copies of redacted versions of the documents for which FMPA requests confidential classification. The specific information for

¹ FMPA originally submitted 4 documents with its Notice of Intent to Request Confidential Classification. Based on further review, however, FMPA has determined that only three of the documents include confidential information.

DOCUMENT NUMBER-DATE

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which confidential treatment is requested has been blocked out by opaque marker or other means.

(b) Exhibit B is a package containing unredacted copies of the documents for which FMPA seeks confidential treatment. Exhibit B is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted in yellow.

3. As explained in FMPA's Need for Power Application, FMPA previously issued requests for proposals for renewable energy resources, solar energy resources, and conservation measures. The documents for which FMPA seeks confidential classification includes information concerning proposed pricing and other contractual terms submitted by respondents to the RFPs on a confidential basis. Specifically, the information included on the document bates-stamped FMPA-POD2-01029 (lines 1-13) and FMPA-POD2-01030 (lines 1-8) includes proposed contractual terms submitted for potential biomass, solar and conservation projects. Similarly, Lines 1-20 of the document bates-stamped FMPA-POD2-01031 include proposed pricing and other contractual terms submitted in response to FMPA's RFP for conservation measures. And, lines 1-30 of the document bates-stamped FMPA-POD2-01032 includes proposed priced and other contractual terms included in a response to FMPA's RFP for renewable energy resources.

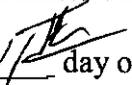
4. All of the information described above relates to bids or other contractual data, the disclosure of which would impair the efforts of FMPA to contract for goods or services on favorable terms. *See* Section 366.093(3)(d), F.S. The purpose of FMPA's RFPs were to obtain potentially favorable contract terms for additional renewable energy resources, solar energy resources and/or conservation programs for FMPA's All-Requirements Power Supply Project (ARP). Without assurances that the terms of the bids received will not be publicly disclosed,

potential bidders might withhold 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 not to respond to future RFPs. 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 above 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.

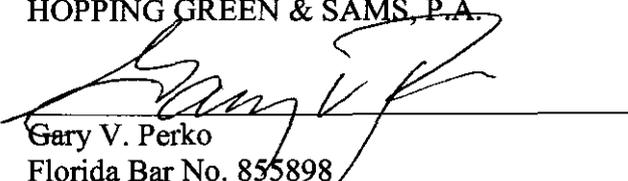
5. The information for which FMPA seeks confidential treatment is intended to be and is treated as confidential by FMPA. The information has not been disclosed to the public.

6. 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  day of July, 2008.

HOPPING GREEN & SAMS, P.A.


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KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: July 11, 2008

TO: Gary V. Perko, Esquire/Hopping Green & Sams

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080253-EM (DN 06005-08) or, if filed in an undocketed matter, concerning certain information provided in response to staff's 2nd request for PODs (No. 4), and filed on behalf of Florida Municipal Power Agency [FMPA]. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite McLean, Deputy Clerk, at (850) 413-6770.