

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Florida Power & Light) Docket No. 08-086-4-1
Company's Sunshine Energy Program) Filed: Sept. 25, 2008

RECEIVED-FPSC
08 SEP 25 2008 PM 2:01
COMMISSION
CLERK

GREEN MOUNTAIN ENERGY COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

Green Mountain Energy Company ("Green Mountain"), by and through undersigned counsel and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, hereby requests confidential classification of certain portions of material provided to the Florida Public Service Commission ("Commission") staff ("Staff") pursuant to Audit Control No. 08-086-4-1, (the "Audit") conducted in this docket. In support of its request, Green Mountain states as follows:

1. During the Audit, Green Mountain provided Staff with various confidential documents (the "Work Papers"). By letter dated September 4, 2008, Staff indicated its intent to retain certain Audit Work Papers. (Please note, Green Mountain is no longer seeking confidential treatment for the table entitled "Green Mountain Reserves and Expenses" and identified as

COM _____ documents "1" and "1 annotated" in the table attached to Staff's
ECR _____
GCL 2 September 4, 2008 letter.) Pursuant to Rule 25-22.006(3)(a),
OPC _____
RCP _____ Florida Administrative Code, Green Mountain was given 21 days
SSC _____
SGA _____ from the date of the letter to file a formal request for
ADM _____
CLK 1 _____

DOCUMENT NUMBER-DATE
09049 SEP 25 08
FPSC-COMMISSION CLERK

confidential classification with respect to the Work Papers. Accordingly, Green Mountain is timely filing this Request for Confidential Classification to maintain continued confidential handling of selected sections of the Work Papers.

2. The following exhibits are included and made a part of this request:

- a. Exhibit A includes a copy of the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."
- b. All information for which confidential treatment is sought has been redacted in Exhibit B, which is an edited and publicly available version of the documents.
- c. Exhibit C is a table containing the specific line and page references of the selected items or sections of the materials for which confidential treatment is sought and, with regard to each document or discrete subsections thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the

affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Paul Markovich, Senior Vice President of Green Mountain.

3. The information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. As the affidavit indicates, that information has not been publicly disclosed. Pursuant to Section 366.093, as a matter of public policy not unique to Florida, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

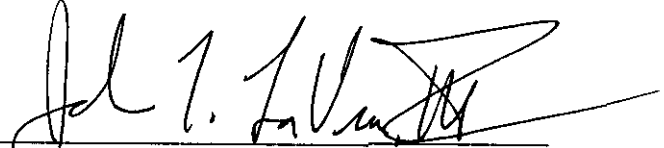
4. As Mr. Markovich's affidavit indicates (see Exhibit D), and as referenced in Exhibit C, the Work Papers include information involving the competitive interests of Green Mountain, which if disclosed could harm its competitive business. This information is protected by Section 366.093(3)(e), Florida Statutes.

5. Green Mountain has had no objection and continues to have no objection to the full disclosure of this information to the Florida Public Service Commission and its Staff, to allow them to complete the Audit process; however, certain portions, if publicly disclosed, could violate nondisclosure agreements with other parties or otherwise harm Green Mountain.

6. Upon a finding by the Commission that the material in Exhibit A for which Green Mountain seeks confidential treatment is proprietary confidential business information with the meaning of Section 366.093(3), Florida Statutes, such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to Green Mountain as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4), Florida Statutes.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Green Mountain Energy Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 25th day of September, 2008.



ROBERT SCHEFFEL WRIGHT
Florida Bar No. 966721
JOHN T. LaVIA, III
Florida Bar No. 853666
YOUNG VANASSENDERP, P.A.
Gallie's Hall
225 South Adams Street
Suite 200
P.O. Box 1833 (32302-1833)
Tallahassee, Florida 32301
Phone: 850/222-7206
Fax: 850/561-6834
Email: swright@yvlaw.net
jlavia@yvlaw.net

Attorneys for Green Mountain
Energy Company

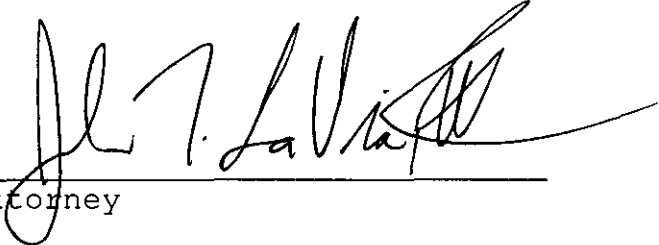
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery* or U.S. Mail on this 25th day of September, 2008, to:

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

J. R. Kelly
Office of the Public Counsel
c/o The Florida Legislature
Gerald L. Gunter Building
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

R. Wade Litchfield, Vice President
and Associate General Counsel
Jessica A. Cano, Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420



Attorney

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



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

Public Service Commission

CONFIDENTIAL

ACKNOWLEDGEMENT

DATE: September 25, 2008

TO: Scheff Wright, Young Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070626 or, if filed in an undocketed matter, concerning certain material provided to staff pursuant to Audit Control No. 08-086-4-1, and filed on behalf of Green Mountain. The document will be maintained in locked storage.

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

DOCUMENT NUMBER - DATE
09050 SEP 25 08
FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us