

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Review of Florida Power & Light) Docket No. 070626-EI
Company's Sunshine Energy Program) Filed: Oct. 10, 2008
)

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 documents provided to the Florida Public Service Commission ("Commission") staff ("Staff") in response to the Staff Data Request made in this docket by letter dated September 5, 2008 ("Staff's Data Request"). In support of its request, Green Mountain states as follows:

1. On September 19, 2008, Green Mountain submitted documents in response to Staff's Data Request (the "Responsive Documents"), which contained confidential, proprietary business information. Also on September 19, 2008, Green Mountain filed with the Commission a Notice of Intent to Request Confidential Classification (the "Notice") concerning the confidential,

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proprietary business information in its Data Request Response.

Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code,

Green Mountain has 21 days from the date of the Notice to file a

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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

2. Please note that in the Notice Green Mountain identified 52 pages of documents responsive to Staff Data Request No. 11 for which Green Mountain intended to seek confidential classification. However, Green Mountain is no longer seeking confidential classification for those documents.

3. The following exhibits were included in the September 18, 2008 submittal to the Commission and are subject to this request; per discussion and agreement with counsel for the Staff, and to avoid unnecessary cost and paperwork, Green Mountain is not submitting additional copies of the Green Mountain documents submitted on September 19.

- a. Exhibit A is a copy of the Staff's Data Request dated September 5, 2008.
- b. All information for which confidential treatment was sought had been redacted in Exhibit B, which contains edited and publicly available versions of the Responsive Documents, and which has been assigned PSC Document No. 08858-08.

- c. Exhibit C included the Responsive Documents which contained information that is entitled to confidential treatment under Florida law has been highlighted. Exhibit C was submitted separately in a sealed folder marked "CONFIDENTIAL" and was assigned PSC Document No. 08859-08.
- d. Green Mountain is also submitting a new Exhibit D, which is the affidavit of John Holtz, Director of Operations - East Region.
- e. Green Mountain is submitting a new Exhibit E, which is a table containing the specific line and page references of the Responsive Documents for which confidential treatment is sought and, with regard to each document, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

4. The information in Exhibit C 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.

5. As Mr. Holtz's affidavit indicates (see Exhibit D), and as referenced in Exhibit E, the Responsive Documents 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.

6. 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; however, certain portions, if publicly disclosed, could violate nondisclosure agreements with other parties or otherwise harm Green Mountain.

7. Upon a finding by the Commission that the material in Exhibit C 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 10th day of October, 2008.



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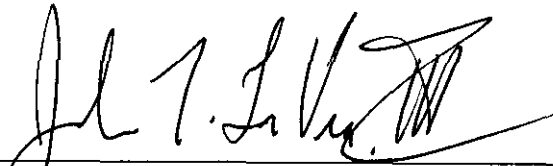
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*) or U.S. Mail on this 10th day of October, 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

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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
MICHAEL G. COOKE
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

September 5, 2008

Robert Scheffel Wright
Young van Assenderp
225 South Adams Street
Suite 200
Tallahassee, FL 32301

STAFF DATA REQUEST

Re: Docket No. 070626-EI - Review of Florida Power & Light Company's Sunshine Energy Program.

Dear Mr. Wright:

By this letter, the Commission staff requests that Green Mountain Energy provide responses to the following data requests:

1. Has Green Mountain ever sought or been denied certification with Green-e Energy or any other standards organization?
2. Does Green Mountain operate pursuant to a Code of Conduct? Please provide a copy of the code of conduct used by Green Mountain.
3. Did Green Mountain abide by any customer disclosure requirements? If so, please describe the disclosure requirements?
4. Please describe the steps Green Mountain took to ensure that its employees or contractors were not making factually inaccurate and/or inappropriate statements about the Sunshine Energy program.
5. Please describe the steps Green Mountain took to ensure that its employees or contractors made adequate pricing and renewable fuel source disclosures to customers.
6. Please describe the steps Green Mountain took to ensure that its environmental marketing claims were factually based and could be verified to the extent feasible.
7. Please describe the process Green Mountain used in conducting an annual verification of product sales and purchases as relates to the FPL program.
8. Please describe the standards that Green Mountain follows when developing or creating its marketing material.

Exhibit A

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An Affirmative Action / Equal Opportunity Employer

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

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

9. Please provide a copy of each script used for telemarketing regarding the Sunshine Energy Program. Please describe the promotional objective(s) associated with each script provided.
10. Please provide a copy of each direct mail piece sent regarding the Sunshine Energy Program. Please describe the promotional objective(s) associated with each direct mail piece provided.
11. Please provide a copy of each bangtail sent regarding the Sunshine Energy Program. Please describe the promotional objective(s) associated with each bangtail provided.
12. Please provide a copy of each bill insert sent regarding the Sunshine Energy Program. Please describe the promotional objective(s) associated with each bill insert provided.
13. *Did Green Mountain utilize any promotional strategies other than telemarketing, direct mail, bangtails, and bill inserts for the Sunshine Energy Program? If so, please identify and describe each additional promotional strategy utilized by Green Mountain and provide the beginning and ending dates for each. Promotional strategies may include the presentation of promotional material and/or promotional gifts provided at golf tournaments such as the Honda Classic, and any other sporting event such as a football game.*
14. For each telemarketing campaign, please identify the script used and provide the beginning date, ending date, number of customers contacted, Green Mountain's average cost per contact, the percentage of customers contacted who enrolled in the Sunshine Energy Program, and the average number of months an enrolled customer stayed in the Sunshine Energy Program. If there are instances where the requested data was not maintained by telemarketing campaign, please provide composite data covering all telemarketing campaigns in each such instance.
15. For each direct mail campaign, please identify the mail piece sent and provide the beginning date, ending date, number of customers contacted, Green Mountain's average cost per contact, the percentage of customers contacted who enrolled in the Sunshine Energy Program, and the average number of months an enrolled customer stayed in the Sunshine Energy Program. If there are instances where the requested data was not maintained by direct mail campaign, please provide composite data covering all direct mail campaigns in each such instance.
16. For each bangtail campaign, please identify the bangtail sent and provide the beginning date, ending date, number of customers contacted, Green Mountain's average cost per contact, the percentage of customers contacted who enrolled in the Sunshine Energy Program, and the average number of months an enrolled customer stayed in the Sunshine Energy Program. If there are instances where the requested data was not maintained by bangtail campaign, please provide composite data covering all bangtail campaigns in each such instance.

17. For each bill insert campaign, please identify the bill insert sent and provide the beginning date, ending date, number of customers contacted, Green Mountain's average cost per contact, the percentage of customers contacted who enrolled in the Sunshine Energy Program, and the average number of months an enrolled customer stayed in the Sunshine Energy Program. If there are instances where the requested data was not maintained by bill insert campaign, please provide composite data covering all bill insert campaigns in each such instance.
18. What benchmarks did Green Mountain use to ensure an appropriate portion of the voluntary contributions went for either TREC's or solar projects?
19. What benchmarks did Green Mountain use to determine the appropriate portion of the voluntary contribution to be used for administrative expense?
20. What benchmarks did Green Mountain use to determine the appropriate portion of the voluntary contribution to be used for marketing expenses?
21. Did FPL have the authority to conduct audits of Green Mountain expenditures, operations and controls?

Time is of the essence in order to allow sufficient time for staff to analyze the data requested. Therefore, I request that responses to the above questions be provided, on an expedited basis, by Monday, September 15, 2008. I also request that the responses be provided on an earlier, piecemeal basis, to the extent possible. If you have any questions, please do not hesitate to contact me at (850) 413-6218.

Sincerely,



Katherine Fleming
Senior Attorney

KEF/tfw

cc: Office of Commission Clerk
John Holtz, Green Mountain Energy
R. Wade Litchfield, Florida Power & Light Company
Office of Public Counsel

Exhibit B

PSC Document
No. 08858-08

(Previously
submitted)

Exhibit C

PSC Document
No. 08859-08

(Previously
submitted)

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF NEW JERSEY)
)
BURLINGTON COUNTY)

AFFIDAVIT OF JOHN HOLTZ

BEFORE ME, the undersigned authority, personally appeared John Holtz who, being first duly sworn, deposes and says:

1. My name is John Holtz. I am currently employed by Green Mountain Energy Company ("Green Mountain") as Director of Operations - East Region. My business address is 122 Lenape Trail, Medford Lakes, NJ 08055. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to Green Mountain's Request for Confidential Classification of Information. The information which is asserted by Green Mountain to be proprietary confidential business information includes information that is competitively sensitive to Green Mountain, both in terms of its business operations and its negotiations and contractual relationships with other parties.

3. 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 fulfill their regulatory function; however, certain portions, if publicly disclosed, would impair the competitive business of Green Mountain and harm its business operations. Green Mountain has maintained the confidentiality of these documents and materials.

4. Consistent with the provisions of the Florida Administrative Code, these documents should remain confidential for a period of not less than 18 months. In addition, it should be returned to Green Mountain as soon as the information is no longer necessary for the Commission to conduct its business, so that Green Mountain can continue to maintain the confidentiality of these documents.

5. Affiant says nothing further.

John Holtz
John Holtz

SWORN TO AND SUBSCRIBED before me this 8th day of
October, 2008, by John Holtz, who is personally known to me or
who has produced drivers license (type of
identification) as identification and who did take an oath.

Fiona L Soffel
Notary Public, State of New Jersey

My Commission Expires:

April 19th 2012

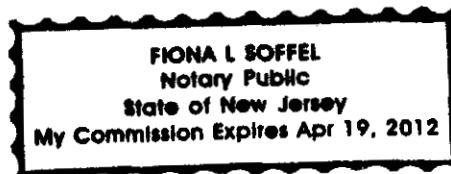


EXHIBIT E

COMPANY: Green Mountain Energy Company
TITLE: Documents Provided in Response to Staff Data Request
DOCUMENT NO.: 08859-08
DOCKET NO. 070626-EI

Staff Data Request No.	Description/ Document No.	No. of Pages	Line No./ Col. No.	Florida Statute 386.093(3) Subsection	Affiant
4	Florida Direct Sales Manual	90	All pages, all lines	(e)	John Holtz
6	Methodology for Calculating Environmental Impact of Electricity Products	2	All pages, all lines	(e)	John Holtz
6	Message Map FPL Sunshine Energy Program	9	All pages, all lines	(e)	John Holtz
6	FPL Collateral Guidelines for Customer Communications	18	All pages, all lines	(e)	John Holtz
7	Supply Substantiation Process Guidelines	10	All pages, all lines	(e)	John Holtz
7	Green Mountain Energy Performance Contract	5	All pages, all lines	(e)	John Holtz
9	Green Mountain Energy Company FPL Outbound Script	7	All pages, all lines	(e)	John Holtz
9	Introduction to the Sunshine Energy Program	35	All pages, all lines	(e)	John Holtz

Staff Data Request No.	Description/ Document No.	No. of Pages	Line No./ Col. No.	Florida Statute 386.093(3) Subsection	Affiant
10	Direct Marketing Letters DM1-DM13	37	All pages, all lines	(e)	John Holtz
13a	Direct Sales Spreadsheet	2	All pages, all lines	(e)	John Holtz
13b	FPL Script for Messages for GMEC Ball Center	3	All pages, all lines	(e)	John Holtz
14	Telemarketing Spreadsheets	2	All pages, all lines	(e)	John Holtz
15	Sunshine Energy Campaign Schedule	1	Entire page, all lines	(e)	John Holtz