

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION  
CLERK

In Re: Review of Florida Power & Light ) Docket No. 070626-EI  
Company's Sunshine Energy Program ) Filed: Oct. 13, 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 12, 2008 ("Staff's Data Request"). In support of its request, Green Mountain states as follows:

1. On September 25, 2008, Green Mountain submitted a revised response to Staff's Data Request (the "Data Request Response"), which contained confidential, proprietary business information. Also on September 25, 2008, Green Mountain filed with the Commission a Notice of Intent to Request Confidential

COM \_\_\_\_\_  
ECR   1   Classification (the "Notice") concerning the confidential,  
GCL   1   proprietary business information in its Data Request Response.  
OPC \_\_\_\_\_  
RCP \_\_\_\_\_ Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code,  
SSC \_\_\_\_\_  
SGA \_\_\_\_\_ Green Mountain has 21 days from the date of the Notice to file a

ADM \_\_\_\_\_  
CLK McLean

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. The following exhibits were included in the September 25, 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 25.

- a. Exhibit A is a copy of the Staff's Data Request dated September 12, 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 Data Request Response, and which has been assigned PSC Document No. 09056-08.
- c. Exhibit C included the Data Request Response 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. 09055-08.

- 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 to the Data Request Response 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.

3. 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.

4. As Mr. Holtz's affidavit indicates (see Exhibit D), and as referenced in Exhibit E, the Data Request Response includes 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; 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 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 13th day of October, 2008.



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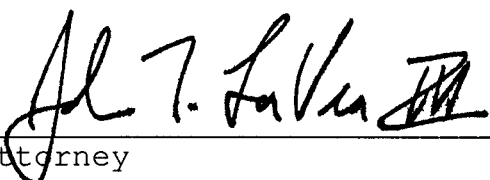
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (\*) or U.S. Mail on this 13th 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

STATE OF FLORIDA

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

*Public Service Commission*

September 12, 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. With respect to possible future payments to the owner of Rothenback Park, please describe any possible revenue streams or future benefits for Green Mountain. For instance, will Green Mountain be able to sell TRECs associated with Rothenback Park? To date, has Green Mountain sold any TRECs associated with Rothenback Park?
2. Please provide a monthly analysis showing the number and dollar amounts associated with TREC purchases for the Sunshine Energy Program for the period January 2008 through July 2008.

Please respond by Monday, September 15, 2008. 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 A**

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

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

DOCUMENT NUMBER-DATE

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Exhibit B

PSC Document  
No. 09056-08

(Previously  
submitted)



Exhibit C

PSC Document  
No. 09055-08

(Previously  
submitted)



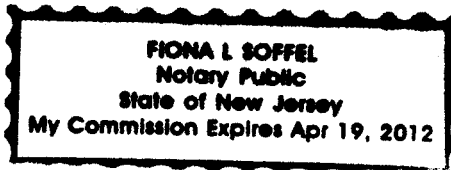
5. Affiant says nothing further.

John Holtz  
John Holtz

**SWORN TO AND SUBSCRIBED** before me this 8<sup>th</sup> 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 19<sup>th</sup> 2012



**EXHIBIT E**

**COMPANY:** Green Mountain Energy Company  
**TITLE:** Documents Provided in Response to Staff Data Request  
**DOCUMENT NO.:** 09055-08  
**DOCKET NO.** 070626-EI

Staff Data Request No.	Page No.	Line No./ Col. No.	Florida Statute 386.093(3) Subsection	Affiant
2	2	Lines 3-10, Columns 1 and 2	(e)	John Holtz