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OFFICE OF THE GENERAL COUNSEL  
PATRICK L. "BOOTER" IMHOF  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

January 28, 2009

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COMMISSION  
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Mr. Robert Scheffel Wright  
Young van Assenderp, P.A.  
P.O. Box 1833  
Tallahassee, Florida 32302-1833

**Re: Docket No. 070626-EI - Green Mountain Energy Company's Request for Confidential Classification concerning a portion of the staff audit working papers prepared during "Green Mountain Energy Review of Sunshine Energy Program Costs for the Year Ended December 31, 2008," Audit Control No. 08-086-4-1, Document Nos. 08331-08 and 09334-08.**

Dear Mr. Wright:

On October 2, 2008, Green Mountain Energy Company (Green Mountain) filed a request for a confidential classification (its second) for part of the staff audit working papers from the "Green Mountain Energy Review of Sunshine Energy Program Costs for the Twelve Months Ended July 31, 2008." Staff has reviewed Green Mountain's request for confidential classification and find the following perceived technical deficiencies with the request:

WP 12-4  
WP 12-5

Section 366.093(3), Florida Statutes (F.S.), provides that in order for the information to be eligible for confidential classification the information must not have been released to the public. Page 5 of the audit report was declassified on September 30, 2008, and either releases or allows calculation of all the information reported on the above pages. Therefore, since this information has been released to the public, it does not qualify for a confidential classification.

Response to the Perceived Deficiency

Within 14 days from the date of this letter, as deemed necessary, Green Mountain may modify its pleading, justification, redacted or highlighted copies within its request; otherwise, a recommendation will be presented to the Prehearing Officer based upon the existing record.

DOCUMENT NUMBER-DATE  
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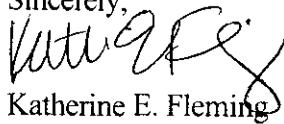
Mr. Robert Scheffel Wright

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If you have any questions concerning this matter, please contact me at (850) 413-6218.

Sincerely,



Katherine E. Fleming  
Senior Attorney  
Office of General Counsel

KEF

cc: Office of Commission Clerk ✓  
Division of Economic Regulation (Devlin)  
John Holtz  
Green Mountain Energy Company  
300 West 6<sup>th</sup> Street  
Austin, TX 78701