

Marguerite McLean

110001-EI

From: Rhonda Dulgar [rdulgar@yvlaw.net]
Sent: Friday, April 01, 2011 2:28 PM
To: James D. Beasley; James Brew; Jeffrey Stone; Russell Badders; tegeoffroy@cfgas.com; Charles Rehwinkel; dmoore@esoconsult.com; John Butler; Ken Hoffman; wigglaw@gmail.com; Beth Keating; Jon Moyle; Vicki Kaufman; Norman Horton; Patricia A. Christensen; John W. McWhirter, Jr.; Cecilia Bradley; rmiller@pcsposphate.com; John T. Burnett; Paul Lewis, Jr.; Karin Torain; Filings@psc.state.fl.us; Jennifer Crawford; Jean Hartman; Susan Ritenour; Michael Twomey; Paula Brown; allan.jungels@tyndall.af.mil; Shayla McNeill; Rhonda Dulgar; Schef Wright
Subject: Electronic Filing - Docket 110001-EI
Attachments: 110001.Marianna.Obj2Req4ConfClass.4-1-11.pdf

a. Person responsible for this electronic filing:

Robert Scheffel Wright
 Young van Assenderp, P.A.
 225 South Adams Street, Suite 200
 Tallahassee, FL 32301
 (850) 222-7206
swright@yvlaw.net

b. 110001-EI

In Re: Fuel and Purchased Power Cost Recovery Clause with Generation Performance Incentive Factor.

c. Document being filed on behalf of the City of Marianna, Florida.

d. There are a total of 6 pages.

e. The document attached for electronic filing is The City of Marianna's Objection to Request for Confidential Classification.

(see attached file: 110001.Marianna.Obj2Req4ConfClass.4-1-11.pdf)

Thank you for your attention and assistance in this matter.

Rhonda Dulgar
 Secretary to Schef Wright
 Phone: 850-222-7206
 FAX: 850-561-6834

DOCUMENT NUMBER-DATE

02151 APR-11

FPSC-COMMISSION CLERK

4/1/2011

2. In the PPA Amendment Docket, FPUC initially sought confidential protection of certain information – specifically, the demand charges to be imposed under the PPA Amendment for the period 2010 through 2017, and for the proposed extension period of the PPA, which is the years 2018 and 2019. The City objected to FPUC's requests for confidentiality in the PPA Amendment Docket. On March 23, 2011, however, FPUC withdrew its request for confidentiality of the capacity charge information in the PPA for the years 2010 through 2017. (Although not directly relevant here, FPUC's request for confidential protection of the 2018-2019 pricing, and the City's objection thereto, remain pending in Docket No. 110041-EI.) Therefore, it is clear that FPUC acknowledges that the capacity charge information for 2010, which is the subject of FPUC's pending request for confidential classification, is not appropriately the subject of a confidentiality request. (The City believes that FPUC's request for confidential classification of this information was an oversight that likely occurred through the normal, pro forma requests that are filed in the Fuel Docket.)

3. On March 18, 2011, FPUC submitted its request for confidentiality in the Fuel Docket. As an intervenor in the Fuel Docket, the City has 14 days within which to file its response, and accordingly, this objection is timely filed.

OBJECTION TO CONFIDENTIAL CLASSIFICATION

4. The City of Marianna objects to FPUC's request because the substantial majority, and probably all, of the information for which FPUC seeks confidential classification is already publicly available, or readily calculated from the public information. Specifically, the pricing information – i.e., the "Capacity Charge" in Schedule M1, for which FPUC seeks confidential protection – for the years 2010 through 2017 is already publicly available, and FPUC has withdrawn its request for confidential protection of this data in Docket No. 110041-EI. Accordingly, the capacity charge information in Schedule M1, for which FPUC has requested

confidential information, is not confidential and its request should not be granted. Additionally, the City believes that the "System Billing Demand – KW" is also known, inasmuch as the Company has admitted that the demand ratchet feature in the PPA is setting the billing demand for the Northwest Division, and in that the Commission has publicly recognized that the billing demand "was set at 97.944 megawatts (MW) beginning in 2008." Order No. PSC-11-0112-TRF-EI at 2. Accordingly, the City believes that the quantity of the billing demand, i.e., the "System Billing Demand – KW" is also publicly known and is therefore not appropriately the subject of a request for confidential classification. Finally, the other information in the table (Schedule M1) for which FPUC seeks confidential protection, can be calculated from the publicly available information, principally from the aforementioned billing demand and capacity charge data.

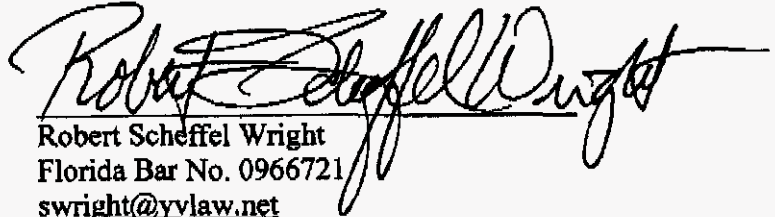
5. Accordingly, FPUC's request must be denied.

CONCLUSION AND RELIEF REQUESTED

The City of Marianna objects to FPUC's request for confidential protection of the 2010 information contained in the Schedule M1 that is the subject of FPUC's pending request for confidential classification in the Fuel Docket, in that the subject information is either publicly available (in the case of the capacity charge rates and the billing demand) or capable of being calculated from the publicly available information. Accordingly, FPUC's request for confidentiality should be denied.

WHEREFORE, as explained in the foregoing, the City of Marianna, Florida respectfully asks that the Commission deny FPUC's request for confidential classification filed in the Fuel Docket on March 18, 2011.

Respectfully submitted this 1st day of April, 2011.



Robert Scheffel Wright
Florida Bar No. 0966721
swright@yvlaw.net

John T. LaVia, III
Florida Bar No. 0853666
jlavia@yvlaw.net

Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
(850) 222-7206 Telephone
(850) 561-6834 Facsimile

Frank E. Bondurant, City Attorney
Florida Bar No. 0520330
fbondurant@embarqmail.com
Bondurant and Fuqua, P.A.
4450 Lafayette Street (ZIP 32446)
Post Office Box 1508
Marianna, Florida 32447
(850) 526-2236 Telephone
(850) 526-5947 Facsimile

Attorneys for the City of Marianna, Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic and U. S. Mail on this 1st day of April, 2011.

Progress Energy Service Company, LLC
John T. Burnett
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Beth Keating
Akerman Senterfitt
106 East College Avenue, Suite 1200
Tallahassee, FL 32301

John McWhirter, Jr.
McWhirter Law Firm
PO Box 3350
Tampa, FL 33601

Susan D. Ritenour
Secretary and Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

Jeffrey A. Stone, Russell A. Badders,
and Steven Griffin
Beggs & Lane Law Firm
P. O. Box 12950
Pensacola, Florida 32591-2950

Vicki Gordon Kaufman/Jon C. Moyle
Keefe Law Firm
118 N. Gadsden Street
Tallahassee, FL 32301

Paula K. Brown
Administrator, Regulatory Coordination
Tampa Electric Company
P. O. Box 111
Tampa, FL 33601-0111

Cheryl Martin
Florida Public Utilities Company
P. O. Box 3395
West Palm Beach, FL 33402-3395

James D. Beasley, Esquire
Ausley Law Firm
Post Office Box 391
Tallahassee, Florida 32302

Office of Public Counsel
Patricia Christensen/J.R. Kelly
c/o The Florida Legislature
111 West Madison Street, #812
Tallahassee, FL 32399-1400

Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

James W. Brew/F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.A.
Eighth Floor, West Tower
1025 Thomas Jefferson Street, NW
Washington D.C. 20007

Cecilia Bradley
Office of Attorney General
The Capitol - PL01
Tallahassee, FL 32399-1050

Randy B. Miller
White Springs Agricultural Chemicals, Inc.
P.O. Box 300
White Springs, FL 32096

Jennifer Crawford
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Patrick K. Wiggins
Law Offices of Patrick K. Wiggins, P.A.
P.O. Drawer 1657
Tallahassee, FL 32302

Captain Shayla L. McNeill, USAF
Federal Executive Agencies
c/o AFLSA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32303-5319

R. W. Litchfield/J. T. Butler
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408

Florida Power & Light Company
Wade Litchfield
215 South Monroe Street, Ste. 810
Tallahassee, FL 32301-1859


ATTORNEY