

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

13 NOV 12 PM 3:47

In Re: Environmental Cost )  
Recovery Clause )  
\_\_\_\_\_ )

DOCKET NO. 130007-EI COMMISSION CLERK  
FILED: NOVEMBER 12, 2013

**DeSOTO COUNTY GENERATING COMPANY, LLC'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION OF  
EXHIBIT CW/CC-2 TO WASS-CARROLL JOINT SURREBUTTAL TESTIMONY**

DeSoto County Generating Company, LLC ("DeSoto"), pursuant to Section 366.093, Florida Statutes ("F.S."), and Rule 25-22.006, Florida Administrative Code ("F.A.C."), hereby requests confidential classification of Exhibit CW/CC-2 to the Joint Surrebuttal Testimony of Carlyne Wass ("Wass") and Casey Carroll ("Carroll"). Please note that Exhibit CW/CC-2 is identical to late-filed Exhibits WLY3 and 4 to William Yeager's deposition, which are currently the subject of a pending request for confidential treatment filed by Florida Power & Light Company ("FPL") on November 4, 2013. In support of this request, DeSoto states:

1. On October 23, 2013, DeSoto timely filed a Notice of Intent to Request Confidential Classification of Exhibit CW/CC-2 to Wass-Carroll Joint Surrebuttal Testimony. Pursuant to Rule 25-22.006(3)(a), F.A.C., DeSoto has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Accordingly, DeSoto hereby files this request for confidential classification to maintain continued confidential handling of Exhibit CW/CC-2 to the Joint Surrebuttal Testimony of Wass and Carroll.

2. The following exhibits are included with this request:

a. Exhibit A is a table that identifies the portions of Exhibit CW/CC-2 for which DeSoto seeks confidential classification and the specific basis for seeking confidential treatment.

b. Exhibit B includes two copies of a redacted version of Exhibit CW/CC-2 for which DeSoto requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

c. Exhibit C is an unredacted copy of Exhibit CW/CC-2 for which DeSoto seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow (the "Confidential Information").

d. Exhibit D is the affidavit of Carlyne Wass, submitted in compliance with Rule 26-22.006(4)(d), F.A.C., and in support of this request.

3. DeSoto submits that the highlighted information in Exhibit A is proprietary, confidential business information within the meaning of Section 366.093(3), F.S. The Confidential Information includes specific price quotations from one of DeSoto's vendors (the "Vendor") for upgrades to DeSoto's combustion turbines. The Confidential Information is intended to be and is treated by DeSoto as private and confidential and the information has not been disclosed to others by DeSoto.

Pursuant to Section 366.093, the Confidential Information is entitled to confidential treatment and is exempt from the disclosure provisions of Chapter 119, F.S. Thus, once the Commission determines that the Confidential Information 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. As noted above, Exhibit CW/CC-2 is identified as late-filed Exhibits WLY3 and 4 to William Yeager's deposition, which is currently the subject of a pending request for confidential treatment filed by FPL on November 4, 2013.

4. DeSoto seeks confidential protection for the Confidential Information contained in Exhibit CW/CC-2, which consists of information relating to competitive interests of DeSoto and its Vendor. Disclosure of this information would harm the competitive interests of both DeSoto and the Vendor, and impair DeSoto's and the Vendor's abilities to enter into contracts on commercially favorable terms in the future. Accordingly, such information is protected by Section 366.093(3)(e).

5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within the scope of Section 366.093(3), such information should not be declassified for at least eighteen (18) months and should be returned to DeSoto as soon as the information is no longer

necessary for the Commission to conduct its business. Fla. Stat. § 366.093(4).

WHEREFORE, DeSoto respectfully requests confidential classification for the Confidential Information contained in Exhibit CW/CC-2 to the Wass-Carroll Joint Surrebuttal Testimony.

Respectfully submitted this 12th day of November, 2013.



Robert Scheffel Wright  
Florida Bar No. 0966721  
John T. LaVia, III  
Florida Bar No. 0853666  
Gardner Bist Wiener Wadsworth Bowden Bush  
Dee LaVia & Wright, P.A.  
1300 Thomaswood Drive  
Tallahassee, Florida 32308  
Telephone 850/385-0070  
Facsimile 850/385-5416

Attorneys for DeSoto County Generating  
Company, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 12th day of November, 2013, to the following:

James D. Beasley  
J. Jeffrey Wahlen  
Ausley Law Firm  
P.O. Box 391  
Tallahassee, FL 32302

John W. McWhirter, Jr.  
c/o McWhirter Law Firm  
P.O. Box 3350  
Tampa, FL 33601-3350

Kenneth Hoffman  
Florida Power and Light Company  
215 South Monroe Street  
Suite 810  
Tallahassee, FL 32301  
Gary V. Perko  
Hopping Green & Sams Law Firm  
P.O. Box 6526  
Tallahassee, FL 32314

John T. Burnett  
Dianne Triplett  
Duke Energy Florida  
P.O. Box 14042  
Saint Petersburg, FL 33733-4042

Charles Murphy  
Office of the General Counsel  
FL Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Jeffrey A. Stone  
Russell A. Badders  
P.O. Box 12950  
Pensacola, FL 32951

John T. Butler  
R. Wade Litchfield  
Maria José Moncada  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
Robert L. McGee  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Jon C. Moyle, Jr.  
Florida Industrial Power Users  
Group  
118 North Gadsden Street  
Tallahassee, FL 32301  
Paula K. Brown  
Tampa Electric Company  
P.O. Box 111  
Tampa, FL 33601-0111

James W. Brew / F. Alvin Taylor  
PCS Phosphate - White Springs  
c/o Brickfield Law Firm  
1025 Thomas Jefferson St., NW,  
Eighth  
Washington, DC 20007

Office of Public Counsel  
J.R. Kelly  
Patty Christensen  
Charles Rehwinkel  
c/o The Florida Legislature  
111 W. Madison Street, Rm. 812  
Tallahassee, FL 32393-1400

  
Attorney

EXHIBIT A

JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION

Description	No. of Pages	Conf. Y/N	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Exhibit CW/CC-2 - Additional DeSoto Capital Costs	1	Y	Pg. 1, All	(e)	Carolyn Wass

EXHIBIT B

Docket No. 130007-EI  
Late Filed Exhibits 3 & 4  
Deposition of W. L. Yaeger  
Exhibit CW/CC-2  
Page 1 of 2

**REDACTED**

DOCKET NO. 130007-EI

LATE FILED EXHIBITS 3 AND 4

OCTOBER 9, 2013 DEPOSITION OF  
WILLIAM L. YEAGER

DESOTO ADDITIONAL CAPITAL COSTS

CONFIDENTIAL

COM \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENC 1 Exh B  
JCL \_\_\_\_\_  
DM \_\_\_\_\_  
JEL \_\_\_\_\_  
LK \_\_\_\_\_

[REDACTED]

Docket No. 130007-EI  
Late Filed Exhibits 3 & 4  
Deposition of W. L. Yaeger  
Exhibit CW/CC-2  
Page 2 of 2

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Environmental Cost )  
Recovery Clause ) DOCKET NO. 130007-EI  
\_\_\_\_\_ )

STATE OF FLORIDA )  
 ) AFFIDAVIT OF CAROLYNE WASS  
COUNTY OF \_\_\_\_\_ )

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

1. My name is Carolynne Wass. I am currently employed by  
LS Power Development, LLC as Senior Vice President, Asset  
Management. I have personal knowledge of the matters stated in  
this affidavit.

2. I have reviewed the documents and information included  
in Exhibits B and C of DeSoto's Request for Confidential  
Classification of Exhibit CW/CC-2 to the Joint Surrebuttal  
Testimony filed by Carolynne Wass and Casey Carroll. The  
documents or material that I have reviewed and which are  
asserted by DeSoto to be proprietary confidential business  
information relate to the competitive interests of DeSoto and  
one of its vendors. Specifically, the confidential information  
relates to proprietary information regarding one of DeSoto's  
vendors. Disclosure of this information would impair the  
efforts of DeSoto to contract for goods and services with this  
or other vendors on favorable terms and would impair the  
competitive interests of DeSoto and its vendor. To the best of  
my knowledge, DeSoto has maintained the confidentiality of these  
documents and materials.

3. Consistent with the provisions of the Florida  
Administrative Code, such materials should remain confidential  
for a period of at least eighteen (18) months. In addition,  
they should be returned to DeSoto as soon as the information is  
no longer necessary for the Commission to conduct its business  
so that DeSoto can continue to maintain the confidentiality of  
these documents.

4. Further affiant sayeth naught.



\_\_\_\_\_  
Carolyne Wass

SWORN TO AND SUBSCRIBED before me this 12<sup>th</sup> day of November, 2013, by Carolyne Wass, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.



\_\_\_\_\_  
Notary Public, State of ~~Florida~~  
New York

My Commission Expires: 9/15/2016

ALEXANDRA LINARES  
Notary Public, State of New York  
No. 01LI6192833  
Qualified in Bronx County  
Commission Expires Sept. 15, 2016