

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination  
of Need for Citrus County Combined Cycle  
Power Plant, by Duke Energy Florida, Inc.

Docket No. 140110-EI

In re: Petition for Determination  
of Cost Effective Generation Alternative  
to Meet Need Prior to 2018, by Duke  
Energy Florida, Inc.

Docket No. 140111-EI

Submitted: September 2, 2014

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COMMISSION  
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**NRG FLORIDA LP'S SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

NRG Florida LP ("NRG") files this Request for Confidential Classification pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code and states:

1. On August 14, 2014, NRG filed its Second Notice of Intent to Request Confidential Classification of certain information provided in response to Staff's First Request for Production of Documents (No. 1). Specifically, Staff requested "a copy of the NRG proposal concerning the Osceola facility" and "any documents and analyses related to the proposal or any discussion concerning the consideration, acceptance or rejection of said proposal." In response, NRG provided a series of over 50 confidential emails and attached documents, Bates numbered beginning "NRG Doc. 44 - 001228 (Staff POD 1)" and ending "NRG Doc. 44 - 001330 (Staff POD 1)."

2. Section 366.093(1), Florida Statutes, states:

Upon request of the public utility or other person, any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1).

3. The term "proprietary confidential business information" is defined in Section 366.093(3), Florida Statutes:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

\* \* \*

(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

4. The confidential information in the documents provided by NRG is entitled to protection under Section 366.093(1), Florida Statutes and meets the definition in Section 366.093(3), Florida Statutes. Each document contains proprietary and confidential competitive business information; trade secrets and information concerning bids or other contractual data, the disclosure of which would impair efforts to contract for goods or services on favorable terms; and competitively sensitive commercial information, the disclosure of which would adversely impact NRG's competitive business interests. The information is owned or controlled by NRG, which has treated the information for which protection is sought as confidential, and has not voluntarily disclosed the information to the public. Disclosure of the confidential information would cause harm to NRG's business operations.

5. Attached to this Request and incorporated herein for all purposes are the following supporting exhibits:

- Confidential Exhibit A: A sealed envelope containing a CD with a copy of the

unredacted documents provided by NRG, with confidential information highlighted;

- Exhibit B: A redacted version of the information provided in Confidential Exhibit A;
- Exhibit C: A justification table for the confidential information provided in Confidential Exhibit A; and
- Exhibit D: The supporting affidavit of Gordon Polozola.

WHEREFORE, NRG respectfully requests that the Commission grant its Second Request for Confidential Classification, effective for a period of at least eighteen (18) months; and that the confidential documents be returned to NRG as required by Section 366.093(4), Florida Statutes, when no longer necessary for the Commission to conduct its business.

Respectfully submitted this 2nd day of September, 2014.

*/s/ Marsha E. Rule*

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**ATTORNEYS FOR NRG FLORIDA LP**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following by electronic mail this 2nd day of September, 2014:

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*/s/ Marsha E. Rule*

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Attorney

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**CONFIDENTIAL EXHIBIT A**

**TO**

**NRG FLORIDA LP'S SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

(CD filed confidentially)

**EXHIBIT B**

**TO**

**NRG FLORIDA LP'S**

**SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Exhibit B is a series of over 50 emails and attachments exchanged between NRG and Duke  
Each email and each attachment is confidential in its entirety.

**EXHIBIT C**

**TO**

**NRG FLORIDA LP'S**

**SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Document	Page/Line/Column	Justification
"NRG Doc. 44-001228 – NRG Doc. 44-1330 (STAFF POD 1)"	Pages NRG Doc 44 – 001228 through NRG Doc. 44 -001277 (Emails from Duke to NRG)	§§ 366.093(3)(a), (d), and (e), Fla. Stat.
"NRG Doc. 44-001228 – NRG Doc. 44-1330 (STAFF POD 1)"	Pages NRG Doc 44 – 001278 through NRG Doc. 44 -001330 (Emails from NRG to Duke)	§§ 366.093(3)(a), (d), and (e), Fla. Stat.



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**EXHIBIT D TO NRG FLORIDA LP'S  
SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

**AFFIDAVIT OF GORDON D. POLOZOLA**

STATE OF LOUISIANA  
PARISH OF POINTE COUPEE

Before me, the undersigned authority, personally appeared GORDON D. POLOZOLA, who  
being first duly sworn, on oath deposes and states:

1. My name is Gordon D. Polozola. I am over the age of 18 years old and I have  
been authorized by NRG Florida LP ("NRG") to give this affidavit. I have personal knowledge  
of the matters stated herein.


2. I am Regional General Counsel – South Central Region for NRG Energy, Inc., the  
parent company of NRG Florida LP. My business address is 112 Telly Street, New Roads, LA  
70760. I am also Vice-President and Secretary of NRG Florida GP, LLC, the general partner of  
NRG Florida LP. In this capacity, I am familiar with the records that are the subject of this  
Second Request for Confidential Classification.

3. NRG seeks confidential classification for certain information provided in  
response to Florida Public Service Commission Document Request No. 1. The responsive  
documents consist of emails exchanged between NRG and Duke Energy Florida, Inc., in the  
course of sensitive and private negotiations regarding a possible commercial transaction

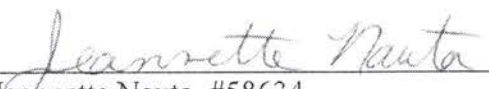
regarding NRG's Osceola generating facility. The emails include competitively sensitive confidential business information that belongs to NRG and which requires confidential classification because it contains information concerning NRG's confidential bids and offers to DEF, proprietary performance and pricing information and other proprietary data. If disclosed, this information would adversely impact NRG's competitive business interests and otherwise harm NRG by revealing the terms and conditions under which NRG would consider entering into certain agreements regarding its Osceola generating facility.

5. The information identified in Exhibit A and Exhibit C to NRG's Second Request for Confidential Classification is intended to be and is treated as confidential by NRG and has not been disclosed to the public.

6. This concludes my Affidavit.

  
\_\_\_\_\_  
**GORDON D. POLOZOLA**  
Vice President and Secretary  
NRG Florida GP, LLC  
On behalf of NRG Florida LP

SWORN TO AND SUBSCRIBED before me this 2nd day of September, 2014, by  
GORDON D. POLOZOLA, who is personally known to me and who did take an oath.

  
\_\_\_\_\_  
Jeannette Nauta, #58634  
Notary Public, State of Louisiana  
My Commission expires at death