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May 19, 2015

**VIA HAND DELIVERY**

Ms. Carlotta S. Stauffer  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
15 MAY 19 PM 1:26  
COMMISSION  
CLERK

**REDACTED**

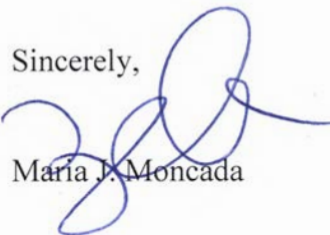
**Re: Docket No. 150075-EI**

Dear Ms. Stauffer:

I enclose for filing in the above docket an original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Responses to Florida Industrial Power Users Group's Request for Production of Documents (No. 13). The original includes Exhibits A, B (two copies), Exhibit C and Exhibit D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of a compact disc which contains the confidential documents, which are confidential in their entirety. Exhibit B is an identifying cover page which indicates that the documents are confidential in their entirety. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains one affidavit in support of FPL's Request for Confidential Classification. Also included in this filing is a second compact disc containing FPL's Request for Confidential Classification and Exhibit C, in Microsoft Word format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,  
  
Maria J. Moncada

Enclosure

cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)

COM \_\_\_\_\_  
AFD 2  
APA \_\_\_\_\_  
ECO 2  
ENG 2 + copy + Redacted  
GCL 1  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

Date: May 19, 2015

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF RESPONSE TO FLORIDA INDUSTRIAL POWER USERS GROUP'S REQUEST FOR PRODUCTION OF DOCUMENTS (No. 13)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of its response to Florida Industrial Power Users Group's ("FIPUG") Request for Production of Documents (No. 13). In support of its request, FPL states:

1. On May 18, 2015, FPL served its response to FIPUG's Second Request for Production of Documents No. 13. The responsive documents comprise proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (hereinafter referred to as the "Confidential Discovery Responses").

2. FPL files this request to FIPUG's Second Request for Production No. 13, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. The following exhibits are included with and made a part of this request:

a. Exhibit A consists of a compact disc containing the Confidential Discovery Responses, including an index that identifies by file name the confidential documents produced in response to FIPUG's Second Request for Production of Documents No. 13. All of the pages of all responsive documents are confidential in their entirety. Accordingly, no purpose would be served by highlighting all of the text on the documents.

b. Exhibit B consists of an identifying cover page indicating that all of the documents responsive to FIPUG's Second Request for Production of Documents No. 13 are confidential in their entirety. Because each page is confidential in its entirety, no purpose would be served by reproducing thousands of fully redacted pages.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with a brief description of the documents designated confidential. Exhibit C also sets forth references to the specific statutory bases for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D consists of the affidavit of Thomas L. Hartman.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

5. As the affidavit of Thomas L. Hartman included as Exhibit D indicates, the Confidential Discovery Responses provided by FPL constitute the proprietary business information of a third party related to the third party's competitive interests. Specifically, the materials consist of documents provided by CBAS Power Holdings, LLC or its subsidiaries or affiliates, which FPL is contractually obligated to treat confidentially. In addition, disclosure of

these materials would impair the competitive business of CBAS Power Holdings, LLC. This information is protected by Sections 366.093(3)(d) and (e), Fla. Stat.

6. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

John T. Butler  
Assistant General Counsel - Regulatory  
Kevin I.C. Donaldson  
Senior Attorney  
Maria J. Moncada  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5795  
Facsimile: (561) 691-7135  
Email: maria.moncada@fpl.com

By: \_\_\_\_\_

  
Maria J. Moncada  
Florida Bar No. 0773301.

**CERTIFICATE OF SERVICE**  
**Docket No. 150075-EI**

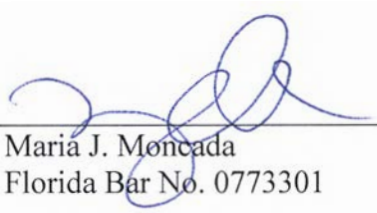
I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification\* has been furnished by electronic mail on this 19th day of May, 2015 to the following:

Martha F. Barrera, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
mbarrera@psc.state.fl.us  
*Office of the General Counsel*

J.R. Kelly, Public Counsel  
John J. Truitt, Associate Public Counsel  
Office of Public Counsel  
The Florida Legislature  
111 West Madison Street, Room 812 Tallahassee,  
Florida 32399  
kelly.jr@leg.state.fl.us  
truitt.john@leg.state.fl.us  
*Attorney for the Citizens of the State of Fla.*

Jon C. Moyle, Jr., Esq.  
Karen A. Putnal, Esq.  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
jmoyle@moylelaw.com  
kputnal@molelaw.com  
*Attorney for Fla. Industrial Power Users  
Group*

By: \_\_\_\_\_

  
Maria J. Moncada  
Florida Bar No. 0773301

\*The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

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# **EXHIBIT B**

**REDACTED COPIES**

**Florida Power & Light Company  
Docket No. 150075-EI  
FIPUG's Second Request for Production  
Request No. 13  
Page 1 of 1**

**Documents responsive to FIPUG's Second Request for Production No. 13 (Bates Nos. CB-15-001256 through CB-15-009411) are confidential in their entirety.**

# **EXHIBIT C**

## **JUSTIFICATION TABLE**



**EXHIBIT C**

**COMPANY:** Florida Power & Light Company

**DOCKET TITLE:** In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

**DOCKET NO:** 150075-EI

**SUBJECT:** FPL's Confidential Responses to the Florida Industrial Power Users Group's Second Request for Production of Documents (No. 13)

**DATE:** May 19, 2015

FPL's Responses to FIPUG's 2 <sup>nd</sup> Request for Production No.	Bates No. / Page No.	Description	Column No. / Line No.	Florida Statute 366.093(3) Subsection	Affiant
No. 13	Bates Nos. CB-15-001256 through CB-15-009428	Documents supplied by CBAS Power Holdings and its affiliates, which FPL reviewed as part of its due diligence	ALL	(d), (e)	T. Hartman

# **EXHIBIT D**

## **AFFIDAVITS**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In RE: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH )

**AFFIDAVIT OF THOMAS L. HARTMAN**

**BEFORE ME**, the undersigned authority, personally appeared Thomas L. Hartman who, being first duly sworn, deposes and says:

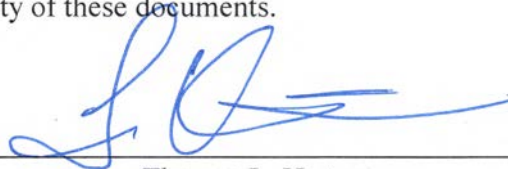
1. My name is Thomas L. Hartman. I am currently employed by Florida Power & Light Company ("FPL") as Director, Business Development in Energy Marketing and Trading. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents or materials that I have reviewed and which are asserted by FPL to be confidential constitute the proprietary business information of a third party related to the third party's competitive interests. Specifically, the materials consist of documents provided by CBAS Power Holdings, LLC or its subsidiaries or affiliates, which FPL is contractually obligated to treat confidentially. In addition, disclosure of these materials would impair the competitive business of CBAS Power Holdings, LLC.

3. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

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

5. Affiant says nothing further.

  
\_\_\_\_\_  
Thomas L. Hartman

**SWORN TO AND SUBSCRIBED** before me this 15 day of May 2015, by Thomas L. Hartman, 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

My Commission Expires:

:2361715

