

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of)
Arrangement to Mitigate Impact of) DOCKET NO. 150075-EI
Unfavorable Cedar Bay Power Purchase)
Obligation, by Florida Power &) FILED: May 21, 2015
Light Company.)
_____)

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COMMISSION
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**CEDAR BAY GENERATING COMPANY'S
FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Cedar Bay Generating Company, Limited Partnership ("Cedar Bay"), by and through undersigned counsel and, pursuant to Rule 25-22.006, Florida Administrative Code ("F.A.C."), and Section 366.093, Florida Statutes ("F.S."), hereby requests confidential classification for the documents it produced in its initial response to the Florida Industrial Power Users Group's ("FIPUG") Request for Production of Documents Nos. 1-12 (the "Request for Production") which was served on May 5, 2015. In support of its request, Cedar Bay states as follows:

1. On May 5, 2015, Cedar Bay filed a Notice of Intent to Request Confidential Classification related to the documents it produced in its initial response to FIPUG's Request for Production. The documents are contained on a DVD and are

_____ identified with Bates Nos. CB0000001 to CB0009578 (collectively
_____ referred to as the "Confidential Documents"). Accordingly,
_____ pursuant to Rule 25-22.006(3), F.A.C., this request is timely.

2. The following exhibits are included and made a part of
_____ this request:

COM _____
AFD _____
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
TEL _____
CLK _____

- a. Exhibit A is a DVD containing the Confidential Documents. Because the volume of the Confidential Documents is so large (9,578 pages) and because Cedar Bay is seeking confidential treatment for all the Confidential Documents in their entirety, it would be burdensome, impractical, and inutile for Cedar Bay to highlight the Confidential Information. Exhibit A is submitted separately in a sealed envelope marked "CONFIDENTIAL."
- b. Exhibit B consists of a page identifying the Bates Nos. of the pages for which Cedar Bay is seeking confidential treatment. Because Cedar Bay is seeking confidential treatment of the Confidential Documents in their entirety, it would be burdensome, impractical, and inutile for Cedar Bay to produce a fully redacted version of each document.
- c. Exhibit C is a table that identifies the specific statutory bases for the claim of confidentiality.
- d. Exhibit D is the affidavit of Jacob A. Pollack, Vice President and Secretary of Cedar Bay.

3. Section 366.093(1), F.S., provides that "Upon request of the public utility or other person, any records received by the Commission which are shown to be proprietary confidential

business information shall be kept confidential and shall be exempt from s. 119.07(1)." Section 366.093(3), F.S., defines proprietary confidential business information to mean information that is (i) intended to be and is treated as private confidential information by the company, (ii) because disclosure of the information would cause harm, (iii) to the company's business operation, and (iv) the information has not been voluntarily disclosed to the public. Additionally, section 366.093(3)(e) defines as proprietary confidential business information "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

4. Cedar Bay is requesting confidential classification of the Confidential Documents because the Confidential Documents contain proprietary and confidential competitive business information, including information concerning internal business plans, projected capital expenditures, confidential contractual negotiations, contractual arrangements, internal budget projections, financial forecasts, plant operations, and other competitively sensitive commercial information, the disclosure of which would harm or otherwise adversely impact Cedar Bay's and/or its affiliates' competitive business interests. Cedar Bay has treated the Confidential Documents as confidential and Cedar Bay

has not voluntarily disclosed the Confidential Documents to the public.

5. Upon a finding by the Commission that the material in Exhibit A for which Cedar Bay seeks confidential treatment is proprietary confidential business information within the meaning of Section 366.093(3), F.S., such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to Cedar Bay as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4), F.S.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Cedar Bay Generating Company, Limited Partnership respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 21st day of May, 2015.



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Attorneys for Cedar Bay
Generating Company, Limited
Partnership

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic delivery, on this 21st day of May, 2015.

Martha Barrera
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Jon C. Moyle, Jr./Karen Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301

Mr. Ken Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, Florida 32301

J.R. Kelly / John J. Truitt
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John T. Butler / Maria J. Moncada
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408



Attorney

EXHIBIT B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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_____)

**Documents identified with
Bates Nos. CB0000001 to CB0009578
are confidential in their entirety**

EXHIBIT C

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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_____)

Documents

Pages

Justification

Bates Nos.
CB0000001 -
CB0009578

1-9578

§ 366.093(c), Fla. Stat.

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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**AFFIDAVIT OF JACOB A. POLLACK IN SUPPORT OF
CEDAR BAY GENERATING COMPANY'S
FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Jacob Pollack, who being first duly sworn, on oath deposes and says that:

1. My name is Jacob A. Pollack. I am over the age of 18 years old and I have been authorized by Cedar Bay Generating Company, Limited Partnership ("Cedar Bay") to give this affidavit in the above-styled proceeding on Cedar Bay's behalf and in support of Cedar Bay's First Request for Confidential Classification. I have personal knowledge of the matters stated in this affidavit.

2. I am Vice President and Secretary for Cedar Bay. I am also Senior Vice President and General Counsel for Cogentrix Energy Power Management, LLC ("CEPM"), which (1) is an affiliate of Cedar Bay, (2) employs the individuals who have been or will

be deposited in connection with the above-styled proceeding, and (3) maintains the documents produced in response to the Florida Industrial Power Users Group's ("FIPUG") Request for Production of Documents Nos. 1-12. My business address is 9405 Arrowpoint Boulevard, Charlotte, North Carolina 28273. I am responsible for all legal, corporate governance, and corporate records matters for Cedar Bay and CEPM.

3. Cedar Bay is seeking confidential classification for internal documents produced in response to FIPUG's Request for Production of Documents Nos. 1-12, as more specifically identified in Exhibits A and C of Cedar Bay's First Request for Confidential Classification.

4. Cedar Bay is requesting confidential classification of this information because it is competitively sensitive confidential business information, in that it contains information concerning internal business plans, projected capital expenditures, confidential contractual negotiations, contractual arrangements, internal budget projections, financial forecasts, plant operations, and other competitively sensitive commercial information. The disclosure of this information to third parties would adversely impact Cedar Bay's and/or its affiliates'
competitive business interests and otherwise harm Cedar Bay and/or its affiliates.

5. The information identified in Exhibit A and Exhibit C is intended to be and is treated as confidential by Cedar Bay and has not been disclosed to the public.

6. This concludes my affidavit.

Jacob A. Pollack

Jacob A. Pollack
Vice President and Secretary
Cedar Bay Generating Company, LP
9405 Arrowpoint Boulevard
Charlotte, North Carolina 28273

SWORN TO AND SUBSCRIBED before me this 19th day of May,
2015, by Jacob A. Pollack, who is personally known to me or who
has produced _____ (type of
identification) as identification and who did take an oath.

Phyllis K Green

Notary Public, State of North Carolina

My Commission Expires: May 8, 2016

