

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request to opt-out of cost recovery for investor-owned electric utility energy efficiency programs by Wal-Mart Stores East, LP and Sam's East, Inc. and Florida Industrial Power Users Group. )  
Docket No. 140226-EI )  
Filed: June 22, 2015 )

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WAL-MART STORES EAST, LP'S AND SAM'S EAST, INC.'S  
FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION

Wal-Mart Stores East, LP and Sam's East, Inc. (collectively referred to as "Walmart"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code ("F.A.C."), hereby files its Request for Confidential Classification of a certain table produced by Walmart in response to Staff's First Set of Interrogatories (Nos. 1-11), specifically the table identified as Attachment No. 1, which comprises Walmart's Response to Staff's Interrogatory No. 1. The subject Attachment No. 1 contains usage information for Walmart stores in Florida, and this data is Walmart's proprietary confidential business information. In support of this Request for Confidential Classification ("Request"), Walmart states as follows.

1. On June 1, 2015, Walmart filed its Notice of Intent to

Request Confidential Classification of Attachment No. 1, which

Walmart provided in response to Staff's Interrogatory No. 1.

Accordingly, pursuant to Rule 25-22.006(3), F.A.C., this request

is timely.

COM \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

ECO It Redacted

2 The following exhibits are included and made a part of this Request:

- a. Exhibit A consists of two copies of the public version of Attachment No. 1, with the confidential information redacted.
- b. Exhibit B is a copy of the highlighted version of Attachment No. 1, showing the proprietary confidential business information highlighted in yellow.
- c. Exhibit C is a table that identifies the specific statutory bases for the claim of confidentiality.
- d. Exhibit D is the affidavit of Kenneth E. Baker, Senior Manager of Sustainable Regulation and Legislation for Walmart Stores, Inc., in support of this Request for Confidential Classification.

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 operations, 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. Walmart is requesting confidential classification of the data contained in Attachment No. 1 because this data is Walmart's proprietary and confidential competitive business information. Specifically, the subject data shows Walmart's energy usage on a per-store basis, the disclosure of which could be used by Walmart's competitors to Walmart's competitive disadvantage. Walmart has treated and continues to treat this data as confidential, and Walmart has not voluntarily disclosed this data to the public.

5. Upon a finding by the Commission that the material in Exhibit A for which Walmart 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 Walmart 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, Wal-Mart Stores East, LP and Sam's East, Inc. respectfully request that this Request for Confidential Classification be granted.

Respectfully submitted this 22nd day of June, 2015.



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Attorneys for Wal-Mart Stores  
East, LP and Sam's East, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 22nd day of June 2015, to the following:

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\_\_\_\_\_  
Attorney

PSC DOCKET NO. 140226-EI, WALMART'S RESPONSES TO STAFF'S FIRST SET OF INTERROGATORIES

ATTACHMENT NO. 1

FLORIDA UTILITIES STATISTICS

YEAR	FLORIDA POWER & LIGHT		DUKE ENERGY FLORIDA		TAMPA ELECTRIC COMPANY		GULF POWER	
	No. of WALMARTS	Annual kWh Usage	No. of WALMARTS	Annual kWh Usage	No. of WALMARTS	Annual kWh Usage	No. of WALMARTS	Annual kWh Usage
2010	108	██████████	49	██████████	27	██████████	18	██████████
2011	116	██████████	54	██████████	31	██████████	21	██████████
2012	117	██████████	57	██████████	32	██████████	24	██████████
2013	123	██████████	61	██████████	31	██████████	24	██████████
2014	131	██████████	66	██████████	36	██████████	25	██████████

**EXHIBIT C**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request to opt-out of cost )  
recovery for investor-owned electric ) Docket No. 140226-EI  
utility energy efficiency programs )  
by Wal-Mart Stores East, LP and ) Filed: June 22, 2015  
Sam's East, Inc. and Florida )  
Industrial Power Users Group. )  
\_\_\_\_\_ )

**Document**

**Page**

**Justification**

Attachment No. 1  
of Walmart's Response to  
Staff's First Set of  
Interrogatories  
(Nos. 1-11),  
Interrogatory No. 1

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§ 366.093(3)(e), Fla. Stat.  
The document contains  
confidential information  
related to Walmart's  
competitive business  
interests, the disclosure  
of which would impair  
those interests.

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request to opt-out of cost recovery for investor-owned electric utility energy efficiency programs by Wal-Mart Stores East, LP and Sam's East, Inc. and Florida Industrial Power Users Group. )  
 ) Docket No. 140226-EI  
 )  
 ) Filed: June 22, 2015  
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**AFFIDAVIT OF KENNETH E. BAKER IN SUPPORT OF  
WAL-MART STORES EAST, LP'S AND SAM'S EAST, INC.'S  
FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF ARKANSAS )  
 )  
COUNTY OF BENTON )

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

1. My name is Kenneth E. Baker. I am over the age of 18 years old and I have been authorized by Wal-Mart Stores East, LP and Sam's East, Inc. (collectively "Walmart") to give this affidavit in the above-styled proceeding on Walmart's behalf and in support of Walmart's First Request for Confidential Classification. I have personal knowledge of the matters stated in this affidavit.

2. I am the Senior Manager of Sustainable Regulation and Legislation for Walmart Stores, Inc. My business address is 2001




SE 10th Street, Bentonville, Arkansas 72716-0550. My current duties include monitoring, participating, and testifying in cases before state utility commissions and monitoring legislation that could potentially impact Walmart's business, with particular attention to Walmart's sustainability and renewable energy commitments and initiatives. I have also been involved in the negotiation, drafting, and execution of renewable energy and energy efficiency contracts.

3. Walmart is seeking confidential classification for a certain table produced by Walmart in response to Staff's First Set of Interrogatories (Nos. 1-11), specifically the table identified as Attachment No. 1, which comprises Walmart's Response to Staff's Interrogatory No. 1.

4. Walmart is requesting confidential classification of this table because it contains usage information for Walmart stores in Florida, and this data is Walmart's proprietary confidential business information. The disclosure of this information to third parties could adversely impact Walmart's competitive business interests and otherwise harm Walmart.

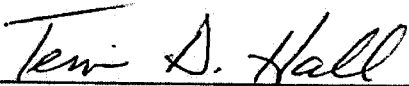
5. The information identified in Exhibit B and Exhibit C is intended to be and is treated as confidential by Walmart and has not been disclosed to the public.

6. This concludes my affidavit.

  
Kenneth E. Baker  
Walmart Stores, Inc.  
2001 SE 10th Street,  
Bentonville, Arkansas 72716-0550

SWORN TO AND SUBSCRIBED before me this 27 day of June, 2015,  
by Kenneth E. Baker, who is personally known to me or who has  
produced Walmart ID (type of identification)  
as identification and who did take an oath.



  
Notary Public, State of Arkansas

My Commission Expires: 9-28-15