

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: June 29, 2015  
Light Company. )

**REDACTED**

CEDAR BAY GENERATING COMPANY'S  
EIGHTH 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: (a) portions of the prefiled testimony and exhibits of the Florida Industrial Power Users Group ("FIPUG") witness Michael G. Lane and (b) portions of the deposition transcripts of Clifford D. Evans and Stephen Mark Rudolph (collectively "FIPUG's Testimony and Exhibits") which were filed with the Commission on June 8, 2015. Please note that on June 19, 2015, Cedar Bay filed its Fifth Request for Confidential Classification which included a blanket request for confidential treatment of Mr. Rudolph's deposition transcript and on June 24,

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COM \_\_\_\_\_ 2015, Cedar Bay filed its Sixth Request for Confidential  
AND \_\_\_\_\_  
A A \_\_\_\_\_ Classification which included a blanket request for confidential  
I O \_\_\_\_\_ treatment of Mr. Evans' deposition transcript. This Eighth  
ENG \_\_\_\_\_ Request for Confidential Classification identifies and requests  
GCL \_\_\_\_\_ confidential classification for specified information contained  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
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in FIPUG's Testimony and Exhibits, and is intended to supersede the blanket requests for confidential treatment with respect to the deposition transcripts of Mr. Rudolph and Mr. Evans (excluding the indices to Mr. Rudolph's and Mr. Evans' deposition transcripts, which will remain covered by the blanket request). In support of its request, Cedar Bay states as follows:

1. On June 8, 2015, Cedar Bay filed its Eighth Notice of Intent to Request Confidential Classification (the "Eighth Notice") related to FIPUG's Testimony and Exhibits. Accordingly, pursuant to Rule 25-22.006(3), F.A.C., this request is timely. Please note that the Eighth Notice requested confidential treatment for the testimony and exhibits of Jeffry Pollock. Cedar Bay has reviewed Mr. Pollock's testimony and exhibits and determined that no confidential information is contained therein. Accordingly, Cedar Bay will not be filing a request for confidential classification concerning Mr. Pollock's testimony and exhibits.

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

- a. Exhibit A is a CD containing FIPUG's Testimony and Exhibits on which all information for which Cedar Bay is requesting confidential treatment is highlighted. Exhibit A is submitted separately in a sealed envelope marked "CONFIDENTIAL."

- b. Exhibit B consists of two CDs containing FIPUG's Testimony and Exhibits on which all information for which Cedar Bay is seeking confidential treatment has been redacted.
- c. Exhibit C is a table that identifies the specific statutory bases for the claims of confidentiality.
- d. Exhibit D is the affidavit of Jacob A. Pollack, Vice President and Secretary of Cedar Bay.

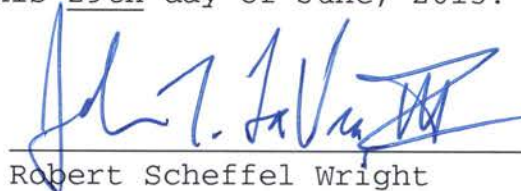
3. Section 366.093(1), F.S., provides that "Upon request of the public utility or other person, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)." Section 366.093(3), F.S., defines 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 FIPUG's Testimony and Exhibits because FIPUG's Testimony and Exhibits contain Cedar Bay's proprietary, confidential, and competitively sensitive 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 information contained in FIPUG's Testimony and Exhibits as confidential and Cedar Bay has not voluntarily disclosed the information contained in FIPUG's Testimony and Exhibits 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 Eighth Request for Confidential Classification be granted.

Respectfully submitted this 29th day of June, 2015.



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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 29th day of June, 2015.

Martha Barrera  
Florida Public Service Commission  
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\_\_\_\_\_  
Attorney

**EXHIBIT B**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of )  
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\_\_\_\_\_ )

**CEDAR BAY GENERATING COMPANY'S  
EIGHTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

The Redacted Version of  
FIPUG's Testimony and Exhibits  
is attached on CDs only.

**EXHIBIT C**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of )  
Arrangement to Mitigate Impact of ) DOCKET NO. 150075-EI  
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**FIPUG's Prefiled Testimony (Deposition Transcript) of  
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Part of line 6 through line 8 § 366.093(3)(e), Fla. Stat.  
Lines 10 - 16 § 366.093(3)(e), Fla. Stat.

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**Pages**

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**FIPUG's Prefiled Testimony (Deposition Transcript) of  
Stephen Mark Rudolph (continued)**

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Part of line 2 § 366.093(3)(e), Fla. Stat.

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Parts of line 1 § 366.093(3)(e), Fla. Stat.

Parts of line 5 § 366.093(3)(e), Fla. Stat.

Parts of line 6 § 366.093(3)(e), Fla. Stat.

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Parts of line 24 § 366.093(3)(e), Fla. Stat.

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Parts of line 9 § 366.093(3)(e), Fla. Stat.

Parts of line 12 § 366.093(3)(e), Fla. Stat.

Parts of line 18 § 366.093(3)(e), Fla. Stat.

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Line 8 § 366.093(3)(e), Fla. Stat.

Parts of line 9 § 366.093(3)(e), Fla. Stat.

Part of line 12 § 366.093(3)(e), Fla. Stat.

Part of line 23 § 366.093(3)(e), Fla. Stat.

Part of line 24 § 366.093(3)(e), Fla. Stat.

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Part of line 7 § 366.093(3)(e), Fla. Stat.

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Part of line 7 § 366.093(3)(e), Fla. Stat.

Part of line 14 § 366.093(3)(e), Fla. Stat.

Part of line 17 § 366.093(3)(e), Fla. Stat.

Part of line 22 § 366.093(3)(e), Fla. Stat.

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**FIPUG's Prefiled Testimony (Deposition Transcript) of  
Stephen Mark Rudolph (continued)**

Page 110 (continued)

Part of line 23        § 366.093(3)(e), Fla. Stat.

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Part of line 14       § 366.093(3)(e), Fla. Stat.

Part of line 15       § 366.093(3)(e), Fla. Stat.

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Parts of line 3       § 366.093(3)(e), Fla. Stat.

Part of line 8 through line 9    § 366.093(3)(e), Fla. Stat.

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Part of line 6 through line 7    § 366.093(3)(e), Fla. Stat.

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Parts of line 3       § 366.093(3)(e), Fla. Stat.

Part of line 4       § 366.093(3)(e), Fla. Stat.

Part of line 11       § 366.093(3)(e), Fla. Stat.

Part of line 16       § 366.093(3)(e), Fla. Stat.

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Part of line 3        § 366.093(3)(e), Fla. Stat.

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Part of line 6        § 366.093(3)(e), Fla. Stat.

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Part of line 8        § 366.093(3)(e), Fla. Stat.

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Stephen Mark Rudolph (continued)

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	Part of line 10	§ 366.093(3)(e), Fla. Stat.
	Part of line 22	§ 366.093(3)(e), Fla. Stat.
	Parts of line 23	§ 366.093(3)(e), Fla. Stat.
	<u>Page 122</u>	
	Part of line 3	§ 366.093(3)(e), Fla. Stat.
	Parts of line 6	§ 366.093(3)(e), Fla. Stat.
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	Part of line 19	§ 366.093(3)(e), Fla. Stat.
	Part of line 23	§ 366.093(3)(e), Fla. Stat.
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	Line 3	§ 366.093(3)(e), Fla. Stat.
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	Line 15	§ 366.093(3)(e), Fla. Stat.
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	Lines 1 - 3	§ 366.093(3)(e), Fla. Stat.
Part of line 4 through line 7		§ 366.093(3)(e), Fla. Stat.

**EXHIBIT D**

**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: June 29, 2015  
Light Company. )  
\_\_\_\_\_ )

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

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Jacob A. 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 Eighth 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, and (2) employs S. Mark Rudolph and Cliff Evans,



whose deposition testimony in part and certain exhibits thereto have been introduced in this docket as pre-filed testimony by the Florida Industrial Power Users Group. 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.

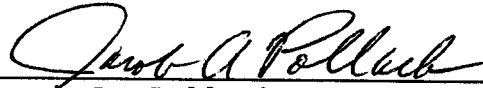
3. Cedar Bay is seeking confidential classification for portions of the prefiled testimonies and exhibits of Florida Industrial Power Users Group's witnesses Jeffrey Pollock and Michael G. Lane as well as portions of the deposition transcripts of Clifford D. Evans and Stephen Mark Rudolph (and certain exhibits thereto), as more specifically identified in Exhibits A and C of Cedar Bay's Eighth 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.

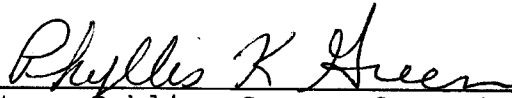
5. The information identified in Exhibit A and Exhibit C is intended to be and is treated as confidential by Cedar Bay and has not been disclosed to the public.

6. This concludes my affidavit.



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

SWORN TO AND SUBSCRIBED before me this 26<sup>th</sup> day of June, 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.



Notary Public, State of North Carolina

My Commission Expires: May 8, 2016

