

**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: July 20, 2015  
Light Company. )  
\_\_\_\_\_ )

**REDACTED**

**CEDAR BAY GENERATING COMPANY'S  
THIRTEENTH 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 portions of the deposition transcripts and deposition exhibits ("Deposition Transcripts and Deposition Exhibits") of Florida Power & Light Company ("FPL") witnesses Robert E. Barrett, Thomas L. Hartman, David W. Herr, and Kim Ousdahl ("FPL's Witnesses") which were filed with the Commission on July 13, 2015. In support of its request, Cedar Bay states as follows:

1. On July 13, 2015, Cedar Bay filed its Thirteenth Notice of Intent to Request Confidential Classification (the "Thirteenth Notice") (PSC Document #04389-15) related to FPL's Witnesses

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GCL Heo \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_  
Deposition Transcripts and Exhibits (PSC Confidential Document #04390-15). Accordingly, pursuant to Rule 25-22.006(3) F.A.C., this request is timely. Please note that Hartman Deposition Exhibit 5, Ousdahl Deposition Exhibits 2 and 3, Barrett

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Deposition Exhibits 2 and 3, and Herr Deposition Exhibit 5 do not contain confidential material and Cedar Bay is hereby withdrawing its request for confidential treatment of these specific Deposition Exhibits.

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

- a. Exhibit A is a CD containing FPL's Witnesses' Deposition Transcripts and Exhibits on which all information for which FPL and/or Cedar Bay is requesting confidential treatment is highlighted. Please note that Cedar Bay is requesting confidential treatment for the indexes to FPL's Witnesses Deposition Transcripts in their entirety.<sup>1</sup> Exhibit A is submitted separately in a sealed envelope marked "CONFIDENTIAL."
- b. Exhibit B consists of two CDs containing FPL's Witnesses' Deposition Transcripts and Exhibits on which all information for which FPL and/or Cedar Bay is seeking confidential treatment has been redacted.

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<sup>1</sup>See In re: Fuel and Purchased Power Cost Recovery Clause With Generating Performance Incentive Factor, Docket No. 150001-EI, Order Granting Florida Power & Light Company's Request for Confidential Classification (Document No. 06769-14), Order No. PSC-15-0132-CFO-EI (Pub. Serv. Comm'n, March 20, 2015) (granting request for confidential classification for entire word index to deposition transcript).

- c. Exhibit C is a table that identifies the specific statutory bases for the claims of confidentiality.
- d. Exhibit D contains the affidavits of Tom Hartman, Director of Business Development in FPL's Marketing and Trading Division; David Herr, Managing Director of Duff & Phelps, LLC; and 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 portions of FPL's Witnesses' Deposition Transcripts and Exhibits (including the indexes to FPL's Witnesses' Deposition Transcripts) because FPL's Witnesses' Deposition Transcripts and Exhibits contain and 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, internal finance structure, and other competitively sensitive commercial information, the disclosure of which would harm or otherwise adversely impact Cedar Bay's and/or Cedar Bay's affiliates' competitive business interests.

5. Additionally, FPL is requesting confidential classification of portions FPL's Witnesses' Deposition Transcripts and Exhibits because the designated materials constitute the proprietary business information of a third party related to the third party's competitive interests. The disclosure of this information would disadvantage FPL customers and would place FPL at a competitive disadvantage when coupled with other information that is publicly available. In particular, information designated as confidential consists of or relates to the two valuation reports of tangible and intangible assets performed by Duff & Phelps, Inc. The details of these highly

detailed valuation reports identify with specificity the proprietary methodology that a third party consultant, Duff & Phelps, employs in performing such valuations as well as certain commercial terms pursuant to which Duff & Phelps provides such valuations. Accordingly, public disclosure would impair the competitive businesses of Duff & Phelps. Other materials designated by FPL consist of negotiated terms between FPL and CBAS Holdings, LLC for the Cedar Bay transaction, the disclosure of which would impair FPL's ability or position to attain favorable transactions for the benefit of its customers in the future. Likewise, disclosure would impair CBAS Holdings, LLC's ability to negotiate terms with third parties indirectly affected by the Cedar Bay transaction. Additionally, the documents contain an analysis of FPL's economic options and strategies.

6. Cedar Bay and FPL have treated the information contained in FPL's Witnesses' Deposition Transcripts and Exhibits as confidential and Cedar Bay and FPL have not voluntarily disclosed the information contained in FPL's Witnesses' Deposition Transcripts and Exhibits to the public.

7. 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 FPL and 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 affidavits included herewith, Cedar Bay Generating Company, Limited Partnership respectfully requests that Cedar Bay's Thirteenth Request for Confidential Classification be granted.

Respectfully submitted this 20th day of July, 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 20th day of June, 2015.

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Florida Public Service Commission  
Division of Legal Services  
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\_\_\_\_\_  
Attorney

PSC DOCKET 150075-EI

CEDAR BAY GENERATING COMPANY'S  
THIRTEENTH REQUEST FOR  
CONFIDENTIAL CLASSIFICATION

EXHIBIT B



**EXHIBIT C**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of )  
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Light Company. )  
\_\_\_\_\_)

<u>Document</u>	<u>Page/Line</u>	<u>Justification</u> Fla. Stat. 366.093(3) Subsection	<u>Affiant</u>
<b>Deposition Transcript of Thomas Hartman</b>			
	<u>Page 9</u> Part of line 10	(e)	J. Pollack
	Part of line 15	(e)	J. Pollack
	<u>Page 11</u> Part of line 24	(e)	J. Pollack
	<u>Page 25</u> Lines 9 - 13	(e)	T. Hartman
	Lines 21 - 23	(e)	T. Hartman
	<u>Page 26</u> Lines 4 - 12	(e)	T. Hartman
	<u>Page 27</u> Lines 8 - 12	(e)	T. Hartman
	<u>Page 28</u> Lines 7 - 25	(e)	T. Hartman
	<u>Page 29</u> Lines 1 - 4	(e)	T. Hartman
	<u>Page 44</u> Part of line 1	(e)	T. Hartman
	Part of line 15	(e)	T. Hartman
	Part of line 20	(e)	T. Hartman

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**Deposition Transcript of  
Thomas Hartman**

	<u>Page 45</u>		
Part of line 8		(e)	T. Hartman
	<u>Page 62</u>		
Part of line 12		(e)	J. Pollack
Part of line 17		(e)	J. Pollack
Part of line 19		(e)	J. Pollack
Part of line 20		(e)	J. Pollack
Part of line 21		(e)	J. Pollack
Part of line 25		(e)	J. Pollack
	<u>Page 72</u>		
Part of line 8		(e)	J. Pollack
Part of line 16		(e)	J. Pollack
Part of line 20		(e)	T. Hartman
	<u>Page 90</u>		
Part of line 5		(e)	J. Pollack
Parts of line 6		(e)	J. Pollack
Part of line 7		(e)	J. Pollack
Part of line 8		(e)	J. Pollack
Part of line 15		(e)	J. Pollack
Part of line 16		(e)	J. Pollack
Part of line 17		(e)	J. Pollack
	<u>Page 104</u>		
Part of line 11		(e)	J. Pollack
Part of line 12		(e)	J. Pollack
Part of line 13		(e)	J. Pollack
	<u>Page 105</u>		
Part of line 17		(e)	J. Pollack

<u>Document</u>	<u>Page/Line</u>	<u>Justification</u> Fla. Stat. 366.093(3) Subsection	<u>Affiant</u>
<b>Deposition Transcript of Thomas Hartman</b>			
	<u>Page 117</u> Part of line 15	(e)	J. Pollack
	<u>Page 141</u> Line 3	(e)	J. Pollack
	Part of line 4	(e)	J. Pollack
	<u>Page 191</u> Part of line 13	(e)	J. Pollack
	Part of line 24	(e)	J. Pollack
	Part of line 25	(e)	J. Pollack
	<u>Page 192</u> Part of line 3	(e)	J. Pollack
	Part of line 10	(e)	J. Pollack
	Part of line 13	(e)	J. Pollack
	Part of line 14	(e)	J. Pollack
	Parts of line 25	(e)	J. Pollack
	<u>Page 213</u> Lines 11 - 12	(e)	T. Hartman
	<u>Page 214</u> Lines 22 - 25	(e)	T. Hartman
	<u>Page 215</u> Lines 1 - 11	(e)	T. Hartman
Word Index	Pages 236 - 271	(e)	Hartman/Pollack
Exhibit 1	Pages 1 - 4	(e)	T. Hartman
Exhibit 2	Pages 1 - 226	(d), (e)	T. Hartman
Exhibit 3	Pages 1 - 68	(e)	T. Hartman
Exhibit 4	Pages 1 - 124	(e)	T. Hartman
Exhibit 6	Pages 1 - 2	(e)	T. Hartman
Exhibit 7	Pages 1 - 2	(e)	T. Hartman

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**Deposition Transcript of  
David W. Herr**

	<u>Page 27</u>		
Part of line 21		(e)	D. Herr
Part of line 22		(e)	D. Herr
	<u>Page 28</u>		
Part of line 18		(e)	J. Pollack
Part of line 19		(e)	J. Pollack
	<u>Page 29</u>		
Part of line 4		(e)	J. Pollack
Part of line 17		(e)	D. Herr
	<u>Page 30</u>		
Part of line 8		(e)	D. Herr
Part of line 11		(e)	Herr/Pollack
Part of line 12		(e)	J. Pollack
Part of line 19		(e)	J. Pollack
Part of line 20		(e)	J. Pollack
Part of line 21		(e)	J. Pollack
Part of line 22		(e)	J. Pollack
Part of line 23		(e)	D. Herr
Parts of line 24		(e)	Herr/Pollack
Parts of line 25		(e)	Herr/Pollack
	<u>Page 32</u>		
Part of line 24		(e)	J. Pollack
	<u>Page 33</u>		
Part of line 3		(e)	J. Pollack
Part of line 5		(e)	J. Pollack
Part of line 25		(e)	D. Herr

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**Deposition Transcript of  
David W. Herr**

<u>Page 34</u>		
Part of line 5	(e)	D. Herr
Part of line 6	(e)	D. Herr
Part of line 8	(e)	D. Herr
Part of line 10	(e)	Herr/Pollack
Part of line 14	(e)	Herr/Pollack
Parts of line 15	(e)	Herr/Pollack
Part of line 16	(e)	D. Herr
Part of line 19	(e)	D. Herr
Part of line 20	(e)	Herr/Pollack
<u>Page 36</u>		
Part of line 15	(e)	J. Pollack
Part of line 17	(e)	J. Pollack
<u>Page 39</u>		
Part of line 14	(e)	D. Herr
Part of line 15	(e)	D. Herr
Part of line 16	(e)	D. Herr
Part of line 17	(e)	D. Herr
<u>Page 40</u>		
Part of line 12	(e)	D. Herr
<u>Page 43</u>		
Part of line 21	(e)	D. Herr
<u>Page 44</u>		
Part of line 13	(e)	D. Herr
Part of line 19	(e)	D. Herr
Part of line 25	(e)	D. Herr

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**Deposition Transcript of  
David W. Herr**

<u>Page 45</u>		
Parts of line 2	(e)	D. Herr
Part of line 9	(e)	D. Herr
Part of line 13	(e)	D. Herr
<u>Page 47</u>		
Part of line 10	(e)	D. Herr
<u>Page 49</u>		
Part of line 7	(e)	D. Herr
<u>Page 50</u>		
Part of line 7	(e)	Herr/Pollack
<u>Page 51</u>		
Part of line 18	(e)	D. Herr
Line 19	(e)	D. Herr
Part of line 21	(e)	D. Herr
Line 23	(e)	D. Herr
<u>Page 52</u>		
Part of line 1	(e)	D. Herr
Parts of line 4	(e)	D. Herr
Part of line 6	(e)	D. Herr
Parts of line 7	(e)	D. Herr
Part of line 17	(e)	D. Herr
Part of line 22	(e)	D. Herr
<u>Page 53</u>		
Part of line 7	(e)	D. Herr
Parts of line 8	(e)	D. Herr
Parts of line 10	(e)	D. Herr
Parts of line 17	(e)	D. Herr

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**Deposition Transcript of  
David W. Herr**

Line 1	(e)	J. Pollack
Part of line 12	(e)	J. Pollack
Line 13	(e)	J. Pollack
Part of line 14	(e)	J. Pollack
Part of line 22	(e)	J. Pollack
<u>Page 57</u>		
Part of line 13	(e)	J. Pollack
Part of line 14	(e)	J. Pollack
Line 15	(e)	J. Pollack
Parts of line 17	(e)	J. Pollack
Part of line 21	(e)	J. Pollack
<u>Page 66</u>		
Part of line 19	(e)	J. Pollack
Part of line 20	(e)	J. Pollack
Part of line 25	(e)	J. Pollack
<u>Page 67</u>		
Part of line 2	(e)	J. Pollack
Part of line 4	(e)	J. Pollack
Part of line 9	(e)	J. Pollack
Part of line 10	(e)	J. Pollack
<u>Page 68</u>		
Part of line 5	(e)	J. Pollack
Part of line 6	(e)	Herr/Pollack
Parts of line 10	(e)	J. Pollack
<u>Page 69</u>		
Part of line 4	(e)	J. Pollack

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**Deposition Transcript of  
David W. Herr**

<u>Page 71</u>		
Part of line 14	(e)	D. Herr
Parts of line 24	(e)	D. Herr
<u>Page 72</u>		
Part of line 6	(e)	D. Herr
Part of line 17	(e)	D. Herr
<u>Page 73</u>		
Part of line 12	(e)	D. Herr
Line 13	(e)	D. Herr
Part of line 16	(e)	D. Herr
Part of line 17	(e)	D. Herr
<u>Page 77</u>		
Part of line 10	(e)	D. Herr
Part of line 11	(e)	D. Herr
Part of line 18	(e)	J. Pollack
Part of line 20	(e)	J. Pollack
Part of line 21	(e)	J. Pollack
Part of line 23	(e)	J. Pollack
Part of line 25	(e)	J. Pollack
<u>Page 78</u>		
Parts of line 1	(e)	J. Pollack
Line 2	(e)	J. Pollack
Parts of line 5	(e)	J. Pollack
Part of line 18	(e)	J. Pollack
<u>Page 79</u>		
Part of line 3	(e)	J. Pollack
Part of line 16	(e)	J. Pollack



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**Deposition Transcript of  
David W. Herr**

<u>Page 81</u> Parts of line 10	(e)	D. Herr
Part of line 18	(e)	D. Herr
<u>Page 84</u> Part of line 21	(e)	D. Herr
<u>Page 89</u> Part of line 18	(e)	D. Herr
Part of line 19	(e)	D. Herr
<u>Page 90</u> Part of line 11	(e)	D. Herr
Parts of line 12	(e)	D. Herr
Part of line 13	(e)	D. Herr
<u>Page 94</u> Part of line 14	(e)	D. Herr
<u>Page 108</u> Part of line 5	(e)	D. Herr
<u>Page 120</u> Part of line 14	(e)	J. Pollack
Part of line 19	(e)	J. Pollack
<u>Page 122</u> Part of line 2	(e)	J. Pollack
<u>Page 123</u> Part of line 5	(e)	J. Pollack
Part of line 6	(e)	J. Pollack
<u>Page 136</u> Part of line 25	(e)	J. Pollack
<u>Page 137</u> Part of line 2	(e)	J. Pollack
<u>Page 139</u> Part of line 10	(e)	J. Pollack

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**Deposition Transcript of  
David W. Herr**

<u>Page 141</u>		
Part of line 2	(e)	J. Pollack
Part of line 3	(e)	J. Pollack
Part of line 4	(e)	J. Pollack
Part of line 5	(e)	J. Pollack
Part of line 19	(e)	J. Pollack
<u>Page 142</u>		
Parts of line 9	(e)	J. Pollack
Part of line 11	(e)	J. Pollack
Part of line 17	(e)	J. Pollack
Part of line 21	(e)	J. Pollack
Part of line 22	(e)	J. Pollack
<u>Page 144</u>		
Part of line 8	(e)	J. Pollack
Part of line 12	(e)	J. Pollack
Part of line 14	(e)	J. Pollack
Part of line 19	(e)	J. Pollack
Part of line 20	(e)	J. Pollack
Part of line 21	(e)	J. Pollack
<u>Page 145</u>		
Part of line 7	(e)	J. Pollack
Part of line 8	(e)	J. Pollack
Part of line 14	(e)	J. Pollack
Part of line 19	(e)	J. Pollack
Part of line 24	(e)	J. Pollack

<u>Document</u>	<u>Page/Line</u>	<u>Justification</u> Fla. Stat. 366.093(3) Subsection	<u>Affiant</u>
<b>Deposition Transcript of David W. Herr</b>			
	<u>Page 147</u>		
	Part of line 20	(e)	J. Pollack
	<u>Page 152</u>		
	Part of line 1	(d), (e)	D. Herr
	Line 5	(e)	D. Herr
	Part of line 14	(d), (e)	D. Herr
	<u>Page 163</u>		
	Part of line 21	(e)	Herr/Pollack
	Part of line 23	(e)	Herr/Pollack
	<u>Page 164</u>		
	Part of line 3	(e)	Herr/Pollack
	Part of line 4	(e)	Herr/Pollack
	Part of line 6	(e)	Herr/Pollack
	Parts of line 7	(e)	Herr/Pollack
	Parts of line 8	(e)	D. Herr
	Parts of line 10	(e)	D. Herr
	<u>Page 165</u>		
	Part of line 3	(e)	J. Pollack
	Part of line 6	(e)	J. Pollack
	Part of line 21	(e)	J. Pollack
	<u>Page 166</u>		
	Line 7	(e)	J. Pollack
	Part of line 12	(e)	J. Pollack
	<u>Page 169</u>		
	Part of line 23	(e)	J. Pollack
	<u>Page 170</u>		
	Part of line 11	(e)	J. Pollack
	Part of line 19	(e)	J. Pollack

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<b>Deposition Transcript of David W. Herr</b>			
	<u>Page 170 (cont)</u> Part of line 20	(e)	J. Pollack
	<u>Page 173</u> Part of line 11	(e)	J. Pollack
Word Index	Pages 189 - 222	(e)	Herr/Pollack
Exhibit 1	Pages 1 - 68	(e)	D. Herr
Exhibit 2	Pages 1 - 124	(e)	D. Herr
Exhibit 3	<u>Page 1</u> Part of line 19	(e)	D. Herr
	<u>Page 2</u> Part of line 4	(e)	D. Herr
	<u>Page 3</u> Part of line 9 through line 11	(e)	D. Herr
	Part of line 13	(e)	D. Herr
	Parts of line 16	(e)	D. Herr
	Part of line 17	(e)	D. Herr
	<u>Page 4</u> Part of line 11	(e)	D. Herr
	Part of line 17 through line 18	(e)	D. Herr
	Part of line 23	(e)	D. Herr
	<u>Page 5</u> Part of line 3	(e)	D. Herr
	Part of line 4	(e)	D. Herr
	Part of line 6	(e)	D. Herr
	Parts of line 15	(e)	D. Herr
	Part of line 17	(e)	D. Herr
	Part of line 18	(e)	D. Herr

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**Deposition Transcript of  
David W. Herr**

Exhibit 3 (cont)

	<u>Page 5 (cont)</u>		
Part of line 19		(e)	D. Herr
	<u>Page 6</u>		
Part of line 14		(e)	D. Herr
Part of line 16		(e)	D. Herr
Part of line 17		(e)	D. Herr
	<u>Page 8</u>		
Line 19		(e)	D. Herr
Part of line 22		(e)	D. Herr
	<u>Page 9</u>		
Part of line 7		(e)	D. Herr
Part of line 17		(e)	D. Herr
Parts of line 18		(e)	D. Herr
Parts of line 19		(e)	D. Herr
	<u>Page 10</u>		
Part of line 19		(e)	D. Herr
Part of line 21		(e)	D. Herr
	<u>Page 11</u>		
Part of line 1		(e)	D. Herr
Part of line 7		(e)	D. Herr
Part of line 8		(e)	D. Herr
Part of line 21		(e)	D. Herr
	<u>Page 12</u>		
Part of line 10		(e)	D. Herr
Part of line 11		(e)	D. Herr
Part of line 14		(e)	D. Herr
Part of line 22		(e)	D. Herr

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**Deposition Transcript of  
David W. Herr**

Exhibit 3 (cont)

Page 12 (cont)

Part of line 23 (e) D. Herr

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Part of line 3 (e) D. Herr

Part of line 5 (e) D. Herr

Part of line 15 (e) D. Herr

Part of line 18 (e) D. Herr

Exhibit 4 Pages 1 - 4 (e) D. Herr

Exhibit 6 Pages 1 - 20 (e) D. Herr

Exhibit 7 CB0028935

Part of line 17 (e) J. Pollack

Part of line 22/23 (e) J. Pollack

Part of line 24 (e) J. Pollack

Part of line 25 (e) J. Pollack

Part of line 26 (e) J. Pollack

Part of line 31 (e) J. Pollack

Part of line 33 (e) J. Pollack

Parts of line 36 (e) J. Pollack

Part of line 37 (e) J. Pollack

Part of line 40 (e) J. Pollack

Part of line 49/50 (e) J. Pollack

CB0028936

Part of line 26/27 (e) J. Pollack

Exhibit 8 Page 6

Lines 74 - 78 (d), (e) D. Herr

<u>Document</u>	<u>Page/Line</u>	<u>Justification</u> Fla. Stat. 366.093(3) Subsection	<u>Affiant</u>
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**Deposition Transcript of  
David W. Herr**

	<u>Page 7</u> Lines 5 - 13	(d), (e)	D. Herr
	Lines 73 - 77	(d), (e)	D. Herr
	<u>Page 8</u> Lines 5 - 15	(d), (e)	D. Herr
	Lines 22 - 49	(d), (e)	D. Herr
	<u>Page 10</u> Lines 57 - 60	(d), (e)	D. Herr

**Deposition Transcript of  
Kim Ousdahl**

	<u>Page 13</u> Part of line 16	(e)	J. Pollack
	<u>Page 20</u> Part of line 8 to line 20	(e)	J. Pollack
	Part of line 24 through line 25	(e)	J. Pollack
	<u>Page 21</u> Lines 1 through line 10	(e)	J. Pollack
Word Index	Pages 74 -87		J. Pollack
Exhibit 1	Pages 1 - 10	(e)	J. Pollack

**Deposition Transcript of  
Robert E. Barrett**

	<u>Page 12</u> Part of line 4	(e)	J. Pollack
	<u>Page 18</u> Part of line 12	(e)	J. Pollack
	Part of line 17	(e)	J. Pollack
	Part of line 19	(e)	J. Pollack
	Part of line 20	(e)	J. Pollack

<u>Document</u>	<u>Page/Line</u>	<u>Justification</u> Fla. Stat. 366.093(3) Subsection	<u>Affiant</u>
<b>Deposition Transcript of Robert E. Barrett</b>			
	<u>Page 19</u>		
	Part of line 4	(e)	J. Pollack
	Part of line 5	(e)	J. Pollack
	Parts of line 8	(e)	J. Pollack
	<u>Page 74</u>		
	Part of line 11	(e)	J. Pollack
	Part of line 20	(e)	J. Pollack
	<u>Page 76</u>		
	Parts of line 1	(e)	J. Pollack
	Part of line 2	(e)	J. Pollack
	Part of line 16	(e)	J. Pollack
	<u>Page 77</u>		
	Part of line 4	(e)	J. Pollack
	Line 7	(e)	J. Pollack
	Parts of line 13	(e)	J. Pollack
	Parts of line 14	(e)	J. Pollack
	Part of line 18	(e)	J. Pollack
	Part of line 23	(e)	J. Pollack
	<u>Page 78</u>		
	Line 1	(e)	J. Pollack
Word Index	Pages 127 - 143		J. Pollack
Exhibit 1	Pages 1 - 4	(e)	J. Pollack



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: July 20, 2015  
Light Company. )  
\_\_\_\_\_ )

AFFIDAVIT OF JACOB A. POLLACK IN SUPPORT OF  
CEDAR BAY GENERATING COMPANY'S  
THIRTEENTH 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 Thirteenth 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 is an affiliate of Cedar Bay. 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 deposition transcripts (including the indexes to the deposition transcripts in their entirety) and deposition exhibits of Robert Barrett, Thomas Hartman, David Herr, and Kim Ousdahl ("FPL's Witnesses' Deposition Transcripts and Exhibits"), as more specifically identified in Exhibits A and C of Cedar Bay's Thirteenth 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.

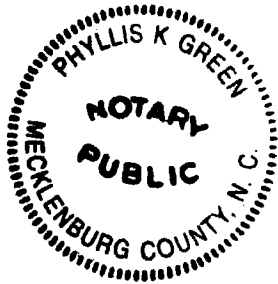
5. The information identified in Exhibit A and Exhibit C is intended to be and is treated as confidential by Cedar Bay and has not been disclosed to the public.

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 20<sup>th</sup> day of July,  
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