

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: August 4, 2015

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WAL-MART STORES EAST, LP'S AND SAM'S EAST, INC.'S  
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 (Hearing Exhibit No. 39) which was introduced at the evidentiary hearing in this docket on Wednesday, July 22, 2015. Specifically, Walmart seeks confidential protection of its confidential electricity consumption information, which is Walmart's proprietary confidential business information. The full title of Exhibit 39 is "Comparison of Contribution Towards Utility Goals vs. Impact on ECCR Revenue Requirement." In support of this Request for Confidential Classification ("Request"), Walmart states as

- COM \_\_\_\_\_
- AFD \_\_\_\_\_ follows.
- APA \_\_\_\_\_
- ECO 1 Redacted
- ENG \_\_\_\_\_
- GCL 1
- IDM \_\_\_\_\_
- TEL \_\_\_\_\_
- CLK \_\_\_\_\_

On July 22, 2015, Walmart introduced Hearing Exhibit No. 39 at the evidentiary hearing in this matter. Undersigned counsel indicated that a Request for Confidential Classification would be

submitted after the hearing. 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:

- a. Exhibit A to this Request consists of one copy of the highlighted version of Hearing Exhibit No. 39, showing the proprietary confidential business information highlighted in yellow.
- b. Exhibit B consists of two copies of the public version of Hearing Exhibit No. 39, with the confidential information redacted.
- 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 Hearing Exhibit No. 39 because this data is Walmart's proprietary confidential competitive business information. Specifically, the subject data shows Walmart's energy usage for its stores served by each of Florida's four large investor-owned utilities, which could be used to compute Walmart's energy usage on a per-store basis. The disclosure of this information 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 4th day of August, 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 4th day of August 2015, to the following:

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Attorney

PSC DOCKET 140226-EI

WALMART STORES EAST, LP'S AND  
SAM'S EAST, INC.'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION

EXHIBIT B

REDACTED

~~CONFIDENTIAL~~ EXHIBIT NO. 39

DOCKET NO: 140226-EI

WITNESS: Ken Baker

PARTY: WALMART

DESCRIPTION: COMPARISON OF CONTRIBUTION TO UTILITY ENERGY GOALS VS. IMPACT ON ECCR REVENUE REQUIREMENTS, FLORIDA WALMART USAGE

DOCUMENTS: **CONFIDENTIAL** - SPREADSHEET COMPARING PERCENTAGE CONTRIBUTION TO UTILITY ENERGY GOALS VS. PERCENTAGE IMPACT ON ECCR REVENUE REQUIREMENTS FOR WALMART FLORIDA OPERATIONS FOR FPL, DUKE ENERGY FLORIDA, GULF POWER, AND TAMPA ELECTRIC

PROFFERED BY: WALMART

2 Comparison of Contribution Towards Utility Goals vs. Impact on ECCR Revenue Requirement

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Utility	2014 Utility Energy Sales	Commission Approved Goals		Walmart Annual Usage	Apply Goals to WMT Usage	% of Utility Goal Met	Estimated WMT ECCR Cost	Estimated Part E Portion	Estimated WMT Part E	Approved ECCR Revenue Requirement	WMT Opt Out Impact on ECCR Revenue Requirement	Contribution Towards Utility Goals
	(a)(iii)	(a)(iii)	(% of Sales) (b)	(a)(iii)	(a)(iii)	(b) / (a)	(c)	(d)	(e)	(f)	(g)	(h)
	(1)	(2)	(3) / (1)	(4)	(5) x (4)	(6) / (3)	(7)	(8)	(9) x (8)	(10)	(9) / (10)	(11) / (6)
8 Florida Power & Light	104,989	526	0.50%	█	█	█	█	33.5%	█	\$ 203,249,585	█	█
9 Duke Energy Florida	37,274	195	0.52%	█	█	█	█	27.2%	█	\$ 89,408,505	█	█
10 Gulf Power	11,075	84	0.76%	█	█	█	█	88.4%	█	\$ 27,717,798	█	█
11 Tampa Electric	18,526	144	0.78%	█	█	█	█	40.1%	█	\$ 42,526,658	█	█

12 Sources:

- 13 (1) FERC Form 1, 2014/Q4, page 304  
 14 (2) FEECA Annual Report on Activities Pursuant to the Florida Energy Efficiency & Conservation Act, Table 8  
 15 (4) Walmart's Responses to Staff's First Set of Interrogatories, Attachment No. 1  
 16 (8) Workpaper 1 (based on Exhibit SWC-3)  
 17 (10) Order No. PSC-14-0632-POF-EG, page 3



**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: August 4, 2015  
Sam's East, Inc. and Florida )  
Industrial Power Users Group. )  
\_\_\_\_\_)

**Document**

**Lines**

**Justification**

**Hearing Exhibit No. 39**

**(Comparison of Contribution Towards  
Utility Goals vs. Impact on ECCR  
Revenue Requirement)**

(1 page document)

Parts of lines 8 - 11 § 366.093(3)(e), Fla. Stat.

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request to opt-out of cost )  
recovery for investor-owned electric ) Docket No. 140226-EI  
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by Wal-Mart Stores East, LP and ) Filed: August 4, 2015  
Sam's East, Inc. and Florida )  
Industrial Power Users Group. )  
\_\_\_\_\_ )

**AFFIDAVIT OF KENNETH E. BAKER IN SUPPORT OF  
WAL-MART STORES EAST, LP'S AND SAM'S EAST, INC.'S  
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 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

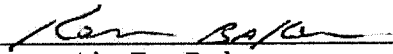
duties include monitoring, participating, and testifying in cases before state utility commissions and monitoring legislation that could potentially impact Walmart's business, with particular attention to Walmart's sustainability and renewable energy commitments and initiatives. I have also been involved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

3. Walmart is seeking confidential classification for its confidential electricity consumption information, which was contained in a certain table produced by Walmart at the evidentiary hearing in PSC Docket 140226-EI on July 22, 2015; that table was marked and admitted as Hearing Exhibit No. 39.

4. Walmart is requesting confidential classification of this table because it contains electricity 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 A 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 3<sup>rd</sup> day of August,  
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

