

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Seminole combined cycle facility, by Seminole Electric Cooperative, Inc.	DOCKET NO. 20170266-EC
In re: Joint Petition to determine need for the Shady Hills combined cycle facility, by Seminole Electric Cooperative, Inc. and Shady Hills Energy Center, LLC.	DOCKET NO. 20170267-EC DATED: MARCH 19, 2018

**SEMINOLE ELECTRIC COOPERATIVE AND SHADY HILLS ENERGY CENTER, LLC'S  
NINTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Seminole Electric Cooperative, Inc. ("Seminole") and Shady Hills Energy Center, LLC ("Shady Hills") (jointly "Petitioners") pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submit this Ninth Request for Confidential Classification of certain information requested by the Staff of the Florida Public Service Commission ("Staff").

1. On February 5, 2018, Seminole provided responses to Intervenor Quantum Pasco Power, L.P.'s ("Quantum") First Set of Interrogatories (Nos. 1-26) and First Request for Production (Nos. 1-4).

2. Some of Seminole's Responses to those Interrogatories, and some of the documents responsive to those Requests for Production, contained confidential information. As a result, they were not produced to Staff at that time.

3. On March 13, 2018, Staff requested copies of Seminole's response to Quantum's Interrogatory No. 2 and a document responsive to Quantum's Request for Production No. 2. Seminole respectfully requests that these documents be granted confidential classification.

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4. The following exhibits are included with this request:

(a) Exhibit A is a package containing redacted versions of the documents for which Seminole requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(b) Exhibit B is a package containing un-redacted copies of the documents for which Seminole seeks confidential treatment. Exhibit B is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the un-redacted version, the information asserted to be confidential is highlighted in yellow.

5. Seminole's Response to Quantum's Interrogatory No. 2 contains confidential terms of Seminole's contract with GE for construction of the Seminole Combined Cycle Facility. The disclosure of this information would impair the efforts of Seminole to contract for goods or services on favorable terms. *See* Section 366.093(3)(d), F.S. Without assurances of non-disclosure, potential counterparties might choose not to enter into contracts with Seminole in the future. Accordingly, Seminole's Response to Quantum's Interrogatory No. 2 qualifies for confidential classification under Section 366.093(3)(d), Florida Statutes. Likewise, the Response contains GE's pricing and technical information related to power island equipment design, the disclosure of which would impair GE's business. As such, the information also qualifies for confidential classification under Section 366.093(3)(e), Florida Statutes.

6. Quantum's Request for Production No. 2 asked Seminole to provide a copy of the tolling agreement for the Shady Hills Combined Cycle Facility (the "Tolling Agreement"). In the Tolling Agreement, the parties agreed that, *inter alia*, Shady Hills will construct and operate the SHCCF, and Seminole will purchase energy capacity from that facility. The Tolling Agreement contains "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. Specifically, the information includes contractual data, such as pricing and other contractual terms, negotiated between the parties. Disclosure of this information would place Seminole at a competitive disadvantage when negotiating with other wholesale power suppliers and, therefore, would impair the efforts of Seminole to contract for capacity on favorable terms. *See* Section 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of both Seminole and Shady Hills, and its disclosure would impair their competitive businesses. Section 366.093(3)(e). As such, the information also qualifies for confidential classification under Section 366.093(3)(e), Florida Statutes.

7. Attachment 1 to this Request is a matrix identifying specific information within the Response and the Tolling Agreement which are considered confidential, along with the specific statutory justification for seeking confidential classification.

8. The information for which Petitioners seek confidential treatment is intended to be and is treated as confidential by Petitioners. The information has not been disclosed to the public.

9. Petitioners request that the information identified above be classified as "proprietary confidential business information" within the meaning of section

366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Petitioners respectfully request that this Ninth Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 19th day of March, 2018.

HOPPING GREEN & SAMS, P.A.

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Request for Confidential  
Classification was served upon the following by electronic mail on this 19th day of  
March, 2018:

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**ATTACHMENT 1**

**JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION**

Document	Page(s) or Tab	Column	Lines	Description	Statutory Justification
CONFIDENTIAL-170266-Staff's 1 <sup>st</sup> ROGs No. 2	All	All	Response to No. 2	Confidential equipment design data for SCCF	§366.093(3)(d)-(e), Fla. Stat
			Response to No. 2.a	Confidential pricing term	§366.093(3)(d)-(e), Fla. Stat
			Response to No.2.b	Confidential pricing term	§366.093(3)(d)-(e), Fla. Stat

Document	Page	Column	Lines	Description	Statutory Justification
CONFIDENTIAL-170266-Quantum's 1 <sup>st</sup> PODs No.2- CC Agreement	SECI000506	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000507	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000508	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000510	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000511	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000512	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000513	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000514	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000515	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000516	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000517	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000518	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000519	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000520	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000521	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000522	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000523	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000524	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000525	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000526	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000527	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000528	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000529	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
	SECI000530	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat
SECI000531	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat	
SECI000532	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat	
SECI000533	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat	
SECI000534	N/A	N/A	Confidential Contractual Term	§366.093(3)(d)-(e), Fla. Stat	



