

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: March 23, 2018

TO: Rachael Dziechciarz, Senior Attorney, Office of the General Counsel
Charles W. Murphy, Senior Attorney, Office of the General Counsel

FROM: Takira T. Thompson, Engineering Specialist, Division of Engineering *TT*
William B. McNulty, Economist Supervisor, Division of Economics *WBM*

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20170266-EC, 20170267-EC DOCUMENT NO: 02379-2018

DESCRIPTION: Seminole (Perko) - (CONFIDENTIAL) Certain information provided in response to staff's 1st request for PODs Nos. 11 and 13 to Seminole; and 3rd request for PODs No. 21 to Seminole.

SOURCE: Seminole Electric Cooperative, Inc.

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Seminole Electric Cooperative, Inc. (SEC) requests confidential classification of certain information filed March 16, 2018, in response to staff discovery in the above referenced dockets. This recommendation specifically addresses highlighted portions of SEC's response to Staff First Request for Production of Documents to SEC, Nos. 11 and 13 contained in Document No. 02379-2018, located in the documents (Excel files on CD) titled:

- A. 170266-Staff's 1st POD No. 11- Base Total Energy Model.
- B. 170266-Staff's 1st POD No. 11- High Total Energy Model.
- C. 170266-Staff's 1st POD No. 11- Low Total Energy Model.
- D. 170266-Staff's 1st POD No. 13- Base Winter Peak Model.
- E. 170266-Staff's 1st POD No. 13- High Winter Peak Model.
- F. 170266-Staff's 1st POD No. 13- Low Winter Peak Model.

In addition, this recommendation addresses the highlighted portions of SEC's response to Staff's Third Request for Production of Documents, No. 21, also contained in Document No. 02379-2018, and located in the document (Excel file on CD) titled "170266-Staff's Third POD No. 21".

SEC represents that the information for which SEC is seeking confidential treatment is wholesale pricing information. The Company claims that this pricing information constitutes "[i]nformation relating to the competitive interests, the disclosure of which would impair the competitive business of the provider of the information" per Section 366.093(3)(e), F.S. and is therefore "proprietary confidential business information" within the meaning of Section 366.093(3), F.S.

In its request, SEC states that all of the wholesale price information for which it seeks confidentiality was inadvertently submitted to Commission staff without a request for confidentiality in this same docket, in response to the same discovery requests identified above, on February 28 (response to Staff's First Request for Production of Documents) and on March 9, 2018 (response to Staff's Third Request for Production of Documents). SEC represents that, except for this prior inadvertent disclosure, this information has not been publicly disclosed. Staff understands that the files previously submitted were either treated as confidential materials or were not otherwise disclosed to anyone other than staff assigned to the docket, and that furthermore such files were subsequently destroyed or returned to the Company. Staff believes the confidentiality of such information has been maintained despite the inadvertent filing error.

Staff has reviewed the Company's information for which it seeks confidential treatment in the files identified above. Staff believes the highlighted information in the referenced files provided in response to Staff's First Request for Production of Documents to SEC, Nos. 11 and 13 and in response to Staff's Third Request for Production of Documents to SEC, No. 21 are what the Company claims them to be (i.e. wholesale pricing information), and that these highlighted portions of documents meet the definition of proprietary confidential business information in compartment with Section 366.093(e), F.S. Therefore, staff recommends the SEC's request for confidentiality of the highlighted information contained in the file identified above be approved.

cc: Office of Commission Clerk (Docket Nos. 20170266-EC & 20170267-EC)



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-M-E-M-O-R-A-N-D-U-M-

DATE: March 23, 2018

TO: Division of Engineering, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION
DOCKET NO: 20170266-EC, 20170267-EC DOCUMENT NO: 02379-2018
DESCRIPTION: Seminole (Perko) - (CONFIDENTIAL) Certain information provided in response to staff's 1st request for PODs Nos. 11 and 13 to Seminole; and 3rd request for PODs No. 21 to Seminole.
SOURCE: Seminole Electric Cooperative, Inc.

The above confidential material was filed along with a seventh request for confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
- (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;
 - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by Takira Thompson on 3/23/2018, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.