

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 for determination of need for Shady Hills combined cycle facility in Pasco County, by Seminole Electric Cooperative, Inc. and Shady Hills Energy Center, LLC.

DOCKET NO. 20170267-EC  
ORDER NO. PSC-2018-0221-CFO-EC  
ISSUED: May 1, 2018

ORDER GRANTING QUANTUM PASCO POWER, L.P.'S, MICHAEL TULK'S, AND  
PATRICK DALY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NOS. 02475-2018, 02514-2018, 02942-2018)

On April 13, 2018, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Quantum Pasco Power, L.P. (Quantum), Michael Tulk, and Patrick Daly (collectively, Intervenors) filed a request for confidential classification (Request) in Docket Nos. 20170266-EC and 20170267-EC for Hearing Exhibit No. 115. The exhibit was admitted into the record during the hearing held on March 21 and 22, 2018. The confidential exhibit was filed in both of the above-referenced dockets as Document Nos. 02475-2018, 02514-2018, and 02942-2018.

Request for Confidential Classification

Intervenors contend that the information provided in the above-referenced documents constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Intervenors assert that this information is intended to be and is treated by Intervenors as private and has not been publicly disclosed.

Intervenors aver that the information identified as confidential in Document Nos. 02475-2018, 02514-2018, and 02942-2018 is information relating to competitive interests, and is treated as proprietary confidential business information. Intervenors assert that disclosure of the information would impair Quantum's competitive business interests, and argue that such information is entitled to confidential classification pursuant to Section 366.093(3)(e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's

ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(e), F.S., for classification as proprietary confidential business information. The information described above and in Intervenor's Request appears to contain information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document Nos. 02475-2018, 02514-2018, and 02942-2018 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Quantum, Michael Tulk, Patrick Daly, or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

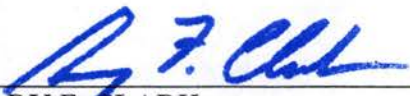
Based on the foregoing, it is hereby

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that Quantum Pasco Power, L.P.'s, Michael Tulk's, and Patrick Daly's Request for Confidential Classification of Document Nos. 02475-2018, 02514-2018, 02942-2018 is granted. It is further

ORDERED that the information in Document Nos. 02475-2018, 02514-2018, 02942-2018, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Quantum Pasco Power, L.P., Michael Tulk, Patrick Daly, or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 1st day  
of May, 2018.

  
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GARY F. CLARK  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.