

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric) DOCKET NO. 20190019-EG
Conservation Goals)
Orlando Utilities Commission) Dated: May 29, 2019
_____)

**ORLANDO UTILITIES COMMISSION'S SECOND REQUEST FOR CONFIDENTIAL
CLASSIFICATION**

Orlando Utilities Commission ("OUC"), by and through undersigned counsel and, pursuant to Section 366.093, Florida Statutes, ("F.S.") and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain information (the "Confidential Information") provided in a supplemental response to the Southern Alliance for Clean Energy's Second Request for Production of Documents (Nos. 1-18), which information is also being provided to the Commission pursuant to Order No. PSC-2019-0062-PCO-EG.

1. The following exhibits are included and made a part of this request:
 - a. Exhibit A is an electronic storage device containing an unedited version of the Confidential Information. The Confidential Information consists of lengthy Excel spreadsheets populated with OUC's cost information that are OUC's trade secrets.
 - b. Exhibit B is a table that identifies the specific data fields for which OUC is requesting confidential classification and the statutory bases for the claim of confidentiality.
 - c. Exhibit C is the affidavit of Thomas A. Gross in support of the requested classification.

2. 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 OUC (ii) because disclosure of the information would cause harm, (iii) to OUC’s business operation, and (iv) the information has not been voluntarily disclosed to the public. Additionally, Section 366.093(3)(e), F.S., defines “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information” as proprietary confidential business information, and Section 366.093(3)(a), F.S., specifically includes “trade secrets” within the scope of information to be protected.

3. OUC is requesting confidential classification of the Confidential Information because the Confidential Information consists of Excel spreadsheets¹ containing competitively sensitive cost and pricing information and other competitively sensitive commercial information, the disclosure of which would harm or otherwise adversely impact OUC’s competitive business interests. In addition, the Confidential Information contains information that is OUC’s “trade secret” as that term is defined in Section 812.081, Florida Statutes. The specific bases for OUC’s request for confidential classification are set forth in more detail in Exhibit B hereto. OUC has treated the Confidential Information as confidential and OUC has not voluntarily disclosed the Confidential Information to the public.

4. Upon a finding by the Commission that the material in Exhibit A for which OUC seeks confidential treatment is proprietary confidential business information within the meaning

¹ The Confidential Information was previously provided to the Commission in pdf format on May 9, 2019, subject to OUC’s First Request for Confidential Classification and Motion for Protective Order.

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 OUC 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, OUC respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 29th day of May, 2019.



Robert Scheffel Wright
Florida Bar No. 96721
schef@gbwlegal.com

John T. LaVia, III
Florida Bar No. 853666
jlavia@gbwlegal.com

Gardner, Bist, Bowden, Bush, Dee,
LaVia & Wright, P.A.

1300 Thomaswood Drive
Tallahassee, Florida 32308
(850) 385-0070 Telephone
(850) 385-5416 Facsimile

Attorneys for Orlando Utilities Commission

Exhibit B

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<u>Document (File Name)</u>	<u>Description of Data Fields</u>	<u>Statutory Justification</u>
Copy of GT2017 FEECA avg prod cost 2019-2028_binary 10-24-2018.xlsb	Detailed production cost and fuel cost data for 2019-2038	§366.093(3)(a) and (e), Fla. Stat.
Copy of GT2017 FEECA avg prod cost 2019-2028_binary111418.xlsb	Detailed production cost and fuel cost data for 2020 -2038	§366.093(3)(a) and (e), Fla. Stat.
Copy of Preliminary OUC System and Avoided Costs for Nexant 12-7-2018-FEECA Analysis.xlsb	Excel Spreadsheet Tabs Hourly Marginal Energy Prices and Average System Dispatch Costs, 2020-2050	§366.093(3)(a) and (e), Fla. Stat.
GT2017 FEECA avg prod cost 2019-2028_binary TG10-22-2018.xlsb	Detailed production cost and fuel cost data for 2019-2038	§366.093(3)(a) and (e), Fla. Stat.
Preliminary OUC System and Avoided Costs for Nexant-FEECA Analysis.xlsb	Excel Spreadsheet Tabs Hourly Marginal Energy Prices and Average System Dispatch Costs, 2020-2050	§366.093(3)(a) and (e), Fla. Stat.

Explanation – Applicable to All Confidential Information:

The Confidential Information contained in these documents constitutes OUC’s trade secret information, the disclosure of which would harm OUC’s competitive interests. Specifically, the Confidential Information consists of OUC’s projected hourly energy costs, including fuel and other variable energy cost elements that together make up OUC’s estimated hourly energy costs. This information represents OUC’s avoided energy costs that were used as input data for Nexant’s analyses of the cost-effectiveness

Exhibit B

of OUC's demand side management ("DSM") measures. This cost information has critical economic value to OUC because it is foundational cost information upon which OUC bases its offers to sell to other wholesale purchasers, or to purchase from other wholesale sellers, electric capacity and energy. This information is not generally known to, and not readily ascertainable by proper means by other persons who are in position to obtain economic value from its disclosure or use. Public disclosure of the Confidential Information would provide other utilities, independent power producers, and vendors of DSM services details related to OUC's avoided cost components that determine pricing of energy and capacity, and that determine the cost effectiveness of marketing programs and certain supply-side and demand-side energy conservation and energy management options. Disclosure of the Confidential Information would give an unfair advantage on such entities with respect to OUC's power procurement, power sales, resource planning, projected generation costs, and DSM program development and contracting. If suppliers had access to such information, it would place OUC at an economic disadvantage and provide an economic advantage to its competitors and/or bidders who have access to such information, which could increase costs to OUC and result in higher rates to customers.

Exhibit C

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**AFFIDAVIT OF THOMAS A. GROSS IN SUPPORT OF ORLANDO UTILITIES
COMMISSION'S SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF ORANGE

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Thomas A. Gross, who being first duly sworn, on oath deposes and says that:

1. My name is Thomas A. Gross. I am over the age of 18 years old and I have been authorized by the Orlando Utilities Commission ("OUC") to give this affidavit in the above-styled proceeding on OUC's behalf and in support of OUC's Second Request for Confidential Classification. I have personal knowledge of the matters stated in this affidavit.
2. I am employed by OUC as Sr. Planning Analyst. My business address is 100 W. Anderson St. Orlando, FL 32801. I am responsible for Conservation Reporting at OUC.
3. OUC is seeking confidential classification for certain information provided in response to the Southern Alliance for Clean Energy's First Request for Production of Documents (Nos. 1-18), as more specifically identified in Exhibits A and B of OUC's First Request for Confidential Classification.
4. OUC is requesting confidential classification of this information because it is OUC's competitively sensitive, proprietary, and confidential business information, in that it contains OUC's competitively sensitive cost and pricing information and other competitively

Exhibit C

sensitive commercial information. The information also includes OUC's trade secrets, as that term is defined in Section 812.081, Florida Statutes. The disclosure of this information to third parties would adversely impact OUC's competitive business interests and otherwise harm OUC.

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

6. This concludes my affidavit.

Thomas A. Gross

SWORN TO AND SUBSCRIBED before me this 24th day of May, 2019, by Thomas Gross, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



Deborah E. Kreinest
Notary Public, State of Florida

My Commission Expires: April 30, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 29th day of May 2019, to the following parties.

Ashley Weisenfeld Margo Duval Charles Murphy Rachel Dziechciarz Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 aweisenf@psc.state.fl.us mduval@psc.state.fl.us cmurphy@psc.state.fl.us rdziechc@psc.state.fl.us	J.R. Kelly Patricia Christensen Thomas David A. Mireille Fall-Fry Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 kelly.jr@leg.state.fl.us christensen.patty@leg.state.fl.us david.tad@leg.state.fl.us fall-fry.mireille@leg.state.fl.us
Mr. Bradley Marshall Ms. Bonnie Malloy Earthjustice 111. S. Martin Luther King Jr. Blvd. Tallahassee, FL 32301 (850) 681-0031 (tel) (850) 681-0020 (fax) bmarshall@earthjustice.org bmalley@earthjustice.org Attorneys for Southern Alliance for Clean Energy	George Cavros Southern Alliance for Clean Energy 120 E. Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 33334 (954) 295-5714 george@cleanenergy.org Attorney for Southern Alliance for Clean Energy
Allan J. Charles, Senior Attorney Ms. Joan Towles Matthews, Senior Attorney Terryann Adkins-Reid Brenda Buchan Florida Department of Agriculture & Consumer Services Office of General Counsel 407 South Calhoun St., Suite 520 Tallahassee, FL 32399-0800 Allan.Charles@FreshFromFlorida.com Joan.Matthews@FreshFromFlorida.com Terryann.Adkins-Reid@FreshFromFlorida.com Brenda.Buchan@FreshFromFlorida.com	Derrick Price Williamson Barry A. Naum 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 bnaum@spilmanlaw.com dwilliamson@spilmanlaw.com



Attorney