

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need for
the Orlando/St. Cloud Regional Resiliency
Connection 230 kV Transmission Line
Project in Orange and Osceola Counties, by
Orlando Utilities Commission

DOCKET NO. 20200107-EM

FILED: May 1, 2020

**ORLANDO UTILITIES COMMISSION'S FIRST 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 ("F.A.C.") hereby requests confidential classification of certain information (the "Confidential Information") contained in an exhibit to its petition for determination of need ("Petition") and in an exhibit to prefiled direct testimony in this docket. The subject Confidential Information has been placed on the enclosed "flash drive" labeled "***Confidential***". The flash drive should be treated as confidential in its entirety.

1. On May 1, 2020, concurrent with the filing of this Request, OUC filed in this docket the Petition requesting the PSC's determination of need for the Orlando/St. Cloud Regional Resiliency Connection 230 kV Transmission Line and supporting prefiled direct testimony and exhibits of Aaron Staley, P.E. The Petition includes as Exhibit A thereto a document entitled "Orlando/St. Cloud Regional Resiliency Connection – Reliability Assessment and Load Flow Study," including extensive appendixes, which include a flash drive with raw load study results; this document, Exhibit A to the Petition, consists in its entirety of proprietary confidential business information. Additionally, Exhibit AS-6 to Mr. Staley's direct testimony, Load Flow Study Results, also includes extensive proprietary confidential business information. These two documents, i.e., Exhibit A to the Petition and Exhibit AS-6 to Mr. Staley's direct

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testimony, are Confidential Information for which OUC seeks confidential classification pursuant to and consistent with Rule 25-22.006, F.A.C.

2. The following exhibits are included and made a part of this request:
 - a. Exhibit A to this request is an electronic storage device containing an unedited version of the Confidential Information. The Confidential Information consists of Exhibit A to OUC's Petition and an unredacted version of Exhibit AS-6 to Aaron Staley's direct prefiled testimony. For convenience, also included are paper copies, marked CONFIDENTIAL, of the "Orlando/St. Cloud Regional Resiliency Connection – Reliability Assessment and Load Flow Study," and of unredacted Exhibit AS-6 to Mr. Staley's testimony. (The paper copies are enclosed in a red folder to indicate their confidential status.)
 - 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 Aaron Staley, P.E. in support of the requested 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 OUC (ii) because disclosure of the information would cause harm, (iii) to OUC's rate payers and business operation, and (iv) the information has not been voluntarily disclosed to the public.

4. OUC is requesting confidential classification of the Confidential Information because the Confidential Information contains information related to security measures, systems, or procedures. Such information constitutes protected proprietary confidential business information pursuant to Section 366.093(3)(c), Florida Statutes. As described in more detail in the affidavit attached as Exhibit C, the information contains or constitutes critical energy infrastructure information, as defined in Section 388.113 of the Code of Federal Regulation (18 C.F.R. §388.113). Federal Energy Regulatory Commission (“FERC”) Order 630 (issued February 21, 2003) and Order 683 (issued October 3, 2006) protect from public disclosure documents relating to critical energy infrastructure. This type of information previously has been granted confidential classification in Commission Order No. PSC-03-0551-FOF-EI and Order No. PSC-06-0631-CFO-EI. The specific bases for OUC’s request for confidential classification are set forth in more detail in Exhibit B hereto. OUC has consistently treated and continues to treat the Confidential Information as confidential and OUC has not voluntarily disclosed the Confidential Information to the public.

5. 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 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 such that the Confidential Information that is the

subject of this Request and Motion will be accorded confidential classification for a minimum of 18 months.

Respectfully submitted this 1st day of May, 2020.

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Attorneys for Orlando Utilities Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing (without confidential information) has been furnished by electronic mail this 1st day of May, 2020, to the following parties.

Charles Murphy Gabriella Passidomo Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 cmurphy@psc.state.fl.us gpassido@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
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Robert Scheffel Wright

Attorney

Exhibit B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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<u>Document (File Name)</u>	<u>Description of Information</u>	<u>Pages</u>	<u>Statutory Justification</u>
Petition EXHIBIT A	OUC & St. Cloud System Planning Information and Load Flow Study Results	ALL	§366.093(3)(e), Fla. Stat.
Exhibit AS-6 to Testimony of Aaron Staley, P.E.	Transmission Load Flow Study Results	ALL	§366.093(3)(e), Fla. Stat.

Exhibit C

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Orlando Utilities Commission

DOCKET NO. 20200107-EM

FILED: April 30, 2020

**AFFIDAVIT OF AARON STALEY IN SUPPORT OF ORLANDO UTILITIES
COMMISSION'S FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF ORANGE

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

1. My name is Aaron Staley. 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 First Request for Confidential Classification. I have personal knowledge of the matters stated in this affidavit.

2. I am employed by OUC as Manager of Transmission Planning and Reliability. My business address is 6003 Pershing Avenue, Orlando, FL 32822. I am responsible for transmission planning at OUC.

3. OUC is seeking confidential classification for certain information that is contained in an exhibit to my pre-filed direct testimony in this docket, and also for confidential information contained in Exhibit A to OUC's Petition for Determination of Need for the Orlando/St. Cloud Regional Resiliency Connection that OUC is filing contemporaneously with my testimony and exhibits as more specifically identified in Exhibits A and B of OUC's First Request for Confidential Classification.

Exhibit C

4. OUC is requesting confidential classification of this information because it is OUC's proprietary confidential business information, in that it contains or constitutes critical energy infrastructure information, as defined in Section 388.113 of the Code of Federal Regulation (18 C.F.R. §388.113). Federal Energy Regulatory Commission ("FERC") Order 630 (issued February 21, 2003) and Order 683 (issued October 3, 2006) protect from public disclosure documents relating to critical energy infrastructure. The disclosure of this information to third parties would harm OUC and OUC's ratepayers.

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

6. This concludes my affidavit.

[Handwritten Signature]

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me by means of () physical presence or () online notarization, this 30th day of April, 2020 by Aaron Staley, who () is personally known to me or () has produced drivers license as identification.

[Handwritten Signature]
NOTARY PUBLIC
Print Name: TAMARIN RENE DISRUJ
My Commission Expires: 7.22.23

