

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: June 1, 2020

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ORLANDO UTILITIES COMMISSION’S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR TEMPORARY PROTECTIVE ORDER

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”) being provided on this date in response to discovery propounded by the PSC Staff. The subject Confidential Information is highlighted on the copy of the documents enclosed in the red folder accompanying this Request; the spreadsheet files have also been placed on the enclosed DVD labeled “**Confidential**”. The DVD should be treated as confidential in its entirety.

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1. On May 1, 2020, OUC filed in this docket its petition for determination of need (the “Petition”) for the Orlando/St. Cloud Regional Resiliency Connection 230 kV Transmission Line (“Project”) and supporting prefiled direct testimony and exhibits of Aaron Staley, P.E. As explained in Mr. Staley’s testimony, OUC considered five alternate projects to meet the reliability needs of the transmission system, from which the Project was chosen by OUC as the best option and was accordingly carried forward into the PSC’s need determination process. OUC also considered three alternate corridors (or routes) for the Project itself, i.e., three separate routes for the 230 kV line that would run from OUC’s Magnolia Ranch Substation in Orange County to the St. Cloud East Substation in Osceola County.

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2. The PSC Staff have now propounded interrogatories requesting detailed cost information for the three alternate corridors (or routes) for the Project, and also requesting detailed cost information for the five alternate transmission projects from which the Project was selected. The detailed cost information includes specific estimates for specific components of the Project, the disclosure of which could adversely affect OUC and its customers by revealing to potential suppliers how much OUC is budgeting for each component, e.g., land acquisition or transmission structures. Accordingly, OUC hereby seeks confidential classification and protection of this information from disclosure.

3. This Request seeks confidential classification of the Confidential Information consistent with Rule 25-22.006, F.A.C., because the responses to the Staff's interrogatories contain competitively sensitive, detailed information regarding OUC's projected costs for the Project.

4. The following exhibits are included and made a part of this request:
- a. Exhibit A includes paper copies, one with the Confidential Information highlighted and the other 2 redacted, and an electronic storage device (DVD) containing an unredacted version of the Confidential Information. The Confidential Information consists of detailed cost information included in certain spreadsheets prepared in response to the Staff's interrogatories.
 - 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 declaration of Aaron Staley, P.E. in support of the requested classification.

5. 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.

6. OUC is requesting confidential classification of the Confidential Information because the Confidential Information contains competitively sensitive information regarding OUC’s projected costs to construct the Project, and the disclosure of this information could impair OUC’s ability to contract for services and procure material at the lowest cost for OUC and its customers.

7. 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.

MOTION FOR PROTECTIVE ORDER

8. Pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006(6), F.A.C., OUC respectfully moves for a protective order that would exempt the Confidential Information from disclosure pursuant to Section 119.07(1), Florida Statutes, and that would require and ensure that the Confidential Information will be handled and treated as confidential pursuant to

PSC Order No. 2020-0135-PCO-EM, the Order Establishing Procedure in this proceeding, to the extent that the information is offered as evidence at the hearing.

9. As stated above, the PSC Staff have requested detailed cost information regarding the construction and installation of the Project, i.e., the 230 kV transmission line from Magnolia Ranch to St. Cloud East. Rule 25-22.006(a), F.A.C., provides that any utility, OUC here, may request a protective order to protect proprietary confidential business information from disclosure and to ensure that the confidentiality of the information will be protected during the course of the proceeding. Rule 25-22.006(6)(b), F.A.C., provides that the PSC's protective orders shall exempt proprietary confidential business information from Section 119.07(1), Florida Statutes. As explained in OUC's foregoing request for confidential classification, the information contained in the Confidential Information is OUC's confidential proprietary business information, the disclosure of which could harm OUC and OUC's customers by increasing the cost to construct the Project.

10. Accordingly, OUC respectfully requests that the PSC, through the Prehearing Officer for this docket, enter a temporary protective order protecting the Confidential Information from disclosure pursuant to Section 119.07(1), Florida Statutes, and further affirming that any Confidential Information used in the hearing will be protected in accordance with the PSC's Order No. 2020-0135-PCO-EM.

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and declaration included herewith, OUC respectfully requests that its Third 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, subject to the information being returned to OUC earlier if it is not used in the hearing, and that the PSC issue a temporary protective order protecting the Confidential Information from public disclosure.

Respectfully submitted this 1st day of June, 2020.

/s/Robert Scheffel Wright

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Attorneys for Orlando Utilities Commission

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 1st day of June, 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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/s/Robert Scheffel Wright
Attorney



CONFIDENTIAL

ORLANDO/ST. CLOUD REGIONAL RESILIENCY CONNECTION WESTERN CORRIDOR ESTIMATE

Customer: OUC

Project No: Orlando/St. Cloud Regional Resiliency Connection

Description:

Location: FL

NO.	DESCRIPTION	Total
1	Site Work	REDACTED
2	Foundations	
3	Grounding	
4	Structures / Poles	
5	Pole Assemblies	
6	Conductors / OPGW	
7	Interruptions	
8	Substation Upgrades (St. Cloud East, Magnolia Ranch North)	
Total Direct Installation		\$57,453,821
9	Demo / Removal	REDACTED
Total Direct Removal		\$3,876,229
Total Direct Cost (TDC)		\$61,330,050
	Engineering/Project Management	REDACTED
	Sales Tax	
	Construction Management (without risk)	
	OUC Overhead	
	Land Acquisition/Rights	
Total Indirect Cost		\$20,135,721
	Contingency (30%)	REDACTED
Total Direct and Indirect Costs (PTC)		\$99,119,503



CONFIDENTIAL

ORLANDO/ST. CLOUD REGIONAL RESILIENCY CONNECTION CENTRAL CORRIDOR ESTIMATE

Customer: OUC
 Project No: Orlando/St. Cloud Regional Resiliency Connection
 Description:
 Location: FL

NO.	DESCRIPTION	Total
1	Site Work	REDACTED
2	Access Roads/Matting	
3	Foundations	
4	Grounding	
5	Structures / Poles	
6	Pole Assemblies	
7	Conductors / OPGW	
8	Interruptions	
9	Underground Transmission Line	
10	Substation Upgrades (St. Cloud East, Magnolia Ranch North)	
Total Direct Installation		\$59,134,961
11	Demo / Removal	REDACTED
Total Direct Removal		\$1,010,951
Total Direct Cost (TDC)		\$60,145,913
	Engineering/Project Management	REDACTED
	Sales Tax	
	Construction Management (without risk)	
	OUC Overhead	
	Land Acquisition/Rights	
Total Indirect Cost		\$22,383,097
	Contingency (20%)	REDACTED
Total Direct and Indirect Costs (PTC)		\$94,490,811



CONFIDENTIAL

ORLANDO/ST. CLOUD REGIONAL RESILIENCY CONNECTION EASTERN CORRIDOR ESTIMATE

Customer: OUC

Project No: Orlando/St. Cloud Regional Resiliency Connection

Description:

Location: FL

NO.	DESCRIPTION	Total
1	Site Work	REDACTED
2	Access Roads/Matting	
3	Foundations	
4	Grounding	
5	Structures / Poles	
6	Pole Assemblies	
7	Conductors / OPGW	
8	Interruptions	
9	Substation Upgrades (St. Cloud East, Magnolia Ranch North)	
Total Direct Installation		\$58,352,519
10	Demo / Removal	REDACTED
Total Direct Removal		\$874,229
Total Direct Cost (TDC)		\$59,226,748
	Engineering/Project Management	REDACTED
	Sales Tax	
	Construction Management (without risk)	
	OUC Overhead	
	Land Acquisition/Rights	
Total Indirect Cost		\$26,048,384
	Contingency (30%)	REDACTED
Total Direct and Indirect Costs (PTC)		\$103,531,671



CONFIDENTIAL

ORLANDO/ST. CLOUD REGIONAL RESILIENCY CONNECTION ST. CLOUD EAST-MAGNOLIA RANCH 230 kV LINE OPTION

Customer: OUC
 Project No:
 Description:
 Location: FL

NO.	DESCRIPTION	Total
1	Site Work	REDACTED
2	Access Roads/Matting	
3	Foundations	
4	Grounding	
5	Structures / Poles	
6	Pole Assemblies	
7	Conductors / OPGW	
8	Interruptions	
9	Underground Transmission Line	
10	Substation Upgrades (St. Cloud East, Magnolia Ranch North)	
Total Direct Installation		\$59,134,961
11	Demo / Removal	REDACTED
Total Direct Removal		\$1,010,951
Total Direct Cost (TDC)		\$60,145,913
	Engineering/Project Management	REDACTED
	Sales Tax	
	Construction Management (without risk)	
	OUC Overhead	
	Land Acquisition/Rights	
Total Indirect Cost		\$22,383,097
	Contingency (20%)	REDACTED
Note: Carl Wall-Dom Toro 69 kV Upgrade - deleted per project change by KUA		
Total Direct and Indirect Costs (PTC)		\$94,490,811

Exhibit B

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: JUNE 1, 2020

<u>Document (File Name)</u>	<u>Description of Information</u>	<u>Pages</u>	<u>Statutory Justification</u>
Response to Staff's Interrogatory 2.a	Detailed Cost Information Regarding Transmission Line Project Alternatives	Pages 1-3, cost details in cells for specific cost items	§366.093(3)(d), Fla. Stat.
Response to Staff's Interrogatories 6.a-6.c	Detailed Cost Information Regarding Transmission Line Project Alternatives	Page 3, cost details in cells for specific cost items	§366.093(3)(d), Fla. Stat.

Exhibit C

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: June 1, 2020

**DECLARATION OF AARON STALEY IN SUPPORT OF ORLANDO UTILITIES
COMMISSION'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF ORANGE

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 declaration in the above-styled proceeding on OUC's behalf and in support of OUC's Third Request for Confidential Classification. I have personal knowledge of the matters stated in this declaration.

1. 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.

2. OUC is seeking confidential classification for certain information contained in responses to the PSC Staff's Interrogatories Nos. 2.a and 6.a-6.c. The information for which OUC seeks confidential classification and protection is detailed cost information regarding certain cost items for OUC's planned construction of the Orlando/St. Cloud Regional Resiliency Connection 230 kV Transmission Line Project ("Project"), which is the subject of this need determination docket.

3. OUC is requesting confidential classification of this information because it is OUC's proprietary confidential business information, representing OUC's estimated costs for

Exhibit C

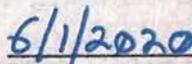
certain specific components of the transmission line construction project, and the disclosure of this information could enable potential vendors or contractors to set their bids targeted toward OUC's budget estimates. This in turn could cause OUC to pay more than necessary for such cost items. The disclosure of this information to third parties could harm OUC and OUC's ratepayers.

4. 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.

5. This concludes my declaration.



Aaron Staley, P.E.



Date