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May 15, 2024

VIA HAND DELIVERY

Mr. Adam J. Teitzman, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

REDACTED

Re: Docket No. 20240017-EG, In re: Commission Review of Numeric
Conservation Goals Orlando Utilities Commission

Dear Mr. Teitzman:

Please find attached for filing on behalf of Orlando Utilities Commission ("OUC"), the original and two copies of OUC's First Request for Confidential Classification for information provided in its responses to Florida Rising's First Request for Production of Documents No. 1. This filing includes the following:

- OUC's First Request for Confidential Classification
- Exhibit A - Flash Drive that is confidential in its entirety
- Exhibit B - Justification Matrix
- Exhibit C - Affidavit of Kevin M. Noonan

Thank you for your assistance in this matter. Please feel free to call me at (850) 933-2016 should you have any questions concerning this filing.

COM _____
 AFD _____
 APA _____
 ECO _____
 ENG 2 redacted copies
 GCL _____
 IDM _____
 CLK _____
 Attachments

Sincerely,

Robert Scheffel Wright

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric) DOCKET NO. 20240017-EG
Conservation Goals)
Orlando Utilities Commission) Dated: May 15, 2024
_____)

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, hereby requests confidential classification of certain information (the “Confidential Information”) provided in response to Florida Rising’s First Request for Production of Documents No. 1, which information is also being provided to the Commission pursuant to Order No. PSC-2024-0022-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 four very large Excel spreadsheets populated with OUC’s hour-by-hour energy price for every hour of the 2025-2034 forecast period; all of this projected price information is OUC’s trade secret information.
 - 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 Kevin M. Noonan 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 contains competitive 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 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 15th day of May, 2024.



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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 15th day of May, 2024, to the following:

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Jonathan Rubottom
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/s/ Robert Scheffel Wright

ATTORNEY

Exhibit A

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric) DOCKET NO. 20240017-EG
Conservation Goals)
Orlando Utilities Commission) Dated: May 15, 2024
_____)

“CONFIDENTIAL”

Flash Drive

(Confidential in its entirety)

Exhibit B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric) DOCKET NO. 20240017-EG
Conservation Goals)
Orlando Utilities Commission) Dated: May 15, 2024
_____)

| <u>Document (File Name)</u> | <u>Description of Data Fields</u> | <u>Statutory Justification</u> |
|--|--|---------------------------------------|
| OUC Avoided Costs_FEECA – Base Case – CONFIDENTIAL.xlsx OUC-000001 | Detailed OUC Marginal Hourly Energy Price Projections for Base Case, 2025-2034 | § 366.093(3)(a) and (e), Fla. Stat. |
| OUC Avoided Costs_FEECA – High Fuel – CONFIDENTIAL.xlsx OUC-000002 | Detailed OUC Marginal Hourly Energy Price Projections for High Fuel Cost Case, 2025-2034 | § 366.093(3)(a) and (e), Fla. Stat. |
| OUC Avoided Costs_FEECA – Low Fuel – CONFIDENTIAL.xlsx OUC-000003 | Detailed OUC Marginal Hourly Energy Price Projections for Low Fuel Cost Case, 2025-2034 | § 366.093(3)(a) and (e), Fla. Stat. |
| OUC Avoided Costs_FEECA–CO2 Compliance–CONFIDENTIAL.xlsx OUC-000004 | Detailed OUC Marginal Hourly Energy Price Projections for CO2 Compliance Case, 2025-2034 | § 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 Resource Innovations’ analysis of the cost-effectiveness 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

Exhibit B

and demand-side energy conservation and energy management options. Disclosure of the Confidential Information would give an unfair advantage to 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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric) DOCKET NO. 20240017-EG
Conservation Goals)
Orlando Utilities Commission) Dated: May 15, 2024
_____)

**AFFIDAVIT OF KEVIN M. NOONAN
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 Kevin M. Noonan who being first duly sworn, on oath deposes and says that:

1. My name is Kevin M. Noonan. 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 Director of Legislative Affairs. My business address is Orlando Utilities Commission, Reliable Plaza at 100 W. Anderson St. Orlando, FL 32801. I am responsible for developing and implementing OUC's political engagement strategy with state and local elected officials on behalf of OUC. I also sponsored pre-filed testimony filed in this docket.

3. OUC is seeking confidential classification for certain information provided in response to Florida Rising's First Request for Production of Documents (Nos. 1-2), 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

Exhibit C

contains OUC's competitive cost and pricing information and other competitively 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.

Kevin M Noonan
Kevin M. Noonan

SWORN TO AND SUBSCRIBED before me this 15 day of May, 2024, by Kevin M. Noonan, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



M. E. Yannakoureas
Notary Public, State of Florida

My Commission Expires: Aug 17th 2027