

RECEIVED-FPSC

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

08 OCT -2 PM 2:58

COMMISSION

CLERK

In Re: Review of Florida Power & Light ) Docket No. 070626-EI  
Company's Sunshine Energy Program ) Filed: Oct. 2, 2008  
)

**GREEN MOUNTAIN ENERGY COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Green Mountain Energy Company ("Green Mountain"), by and through undersigned counsel and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, hereby requests confidential classification of certain portions of material provided to the Florida Public Service Commission ("Commission") staff ("Staff") pursuant to Audit Control No. 08-086-4-1, (the "Audit") conducted in this docket. In support of its request, Green Mountain states as follows:

1. During the Audit, Green Mountain provided Staff with various confidential documents (the "Work Papers"). By letter dated September 29, 2008, Staff indicated its intent to retain certain Audit Work Papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, Green Mountain was given 10 days from the date of the letter to file a formal request for

COM \_\_\_\_\_  
ECR \_\_\_\_\_ confidential classification with respect to the Work Papers.  
GCL   1    
OPC \_\_\_\_\_ Accordingly, Green Mountain is timely filing this Request for  
RCP   1    
SSC \_\_\_\_\_ Confidential Classification to maintain continued confidential  
SGA \_\_\_\_\_ handling of selected sections of the Work Papers.  
ADM \_\_\_\_\_  
CLK   1  

DOCUMENT NUMBER-DATE

09333 OCT-28

FPSC-COMMISSION CLERK

2. The following exhibits are included and made a part of this request:

- a. Exhibit A includes a copy of the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."
- b. All information for which confidential treatment is sought has been redacted in Exhibit B, which is an edited and publicly available version of the documents.
- c. Exhibit C is a table containing the specific line and page references of the selected items or sections of the materials for which confidential treatment is sought and, with regard to each document or discrete subsections thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.
- d. Exhibit D is the affidavit of Paul Markovich, Senior Vice President of Green Mountain.

3. The information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. As the affidavit indicates, that information has not been publicly disclosed. Pursuant to Section 366.093, as a matter of public policy not unique to Florida, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

4. As Mr. Markovich's affidavit indicates (see Exhibit D), and as referenced in Exhibit C, the Work Papers include information involving the competitive interests of Green Mountain, which if disclosed could harm its competitive business. This information is protected by Section 366.093(3)(e), Florida Statutes.

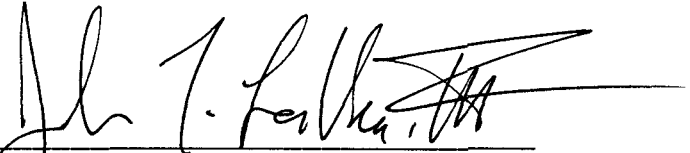
5. Green Mountain has had no objection and continues to have no objection to the full disclosure of this information to the Florida Public Service Commission and its Staff, to allow them to complete the Audit process; however, certain portions,

if publicly disclosed, could violate nondisclosure agreements with other parties or otherwise harm Green Mountain.

6. Upon a finding by the Commission that the material in Exhibit A for which Green Mountain seeks confidential treatment is proprietary confidential business information with the meaning of Section 366.093(3), Florida Statutes, such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to Green Mountain as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4), Florida Statutes.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Green Mountain Energy Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 2nd day of October, 2008.



ROBERT SCHEFFEL WRIGHT  
Florida Bar No. 966721  
JOHN T. LaVIA, III  
Florida Bar No. 853666  
YOUNG VANASSENDERP, P.A.  
Gallie's Hall  
225 South Adams Street  
Suite 200  
P.O. Box 1833 (32302-1833)  
Tallahassee, Florida 32301  
Phone: 850/222-7206  
Fax: 850/561-6834  
Email: swright@yvlaw.net  
jlavia@yvlaw.net

Attorneys for Green Mountain  
Energy Company

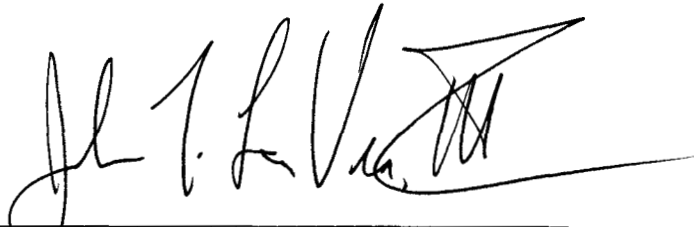
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 2nd day of October, 2008, to:

Katherine Fleming, Senior Attorney\*  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

J. R. Kelly  
Office of the Public Counsel  
c/o The Florida Legislature  
Gerald L. Gunter Building  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

R. Wade Litchfield, Vice President  
and Associate General Counsel  
Jessica A. Cano, Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420



\_\_\_\_\_  
Attorney

STATE OF FLORIDA

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: October 2, 2008

TO: Robert Scheffel Wright, Young Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070626 or, if filed in an undocketed matter, concerning portions of material provided to staff pursuant to Audit Control No. 08-086-4-1, and filed on behalf of Green Mountain. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE  
09334 OCT-28  
FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850  
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)