

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of)
Arrangement to Mitigate Impact of) DOCKET NO. 150075-EI
Unfavorable Cedar Bay Power Purchase)
Obligation, by Florida Power &) SERVED: May 5, 2015
Light Company.)
_____)

CEDAR BAY GENERATING COMPANY'S
NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Cedar Bay Generating Company, Limited Partnership ("Cedar Bay"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby files its Notice of Intent to Request Confidential Classification of certain documents produced by Cedar Bay in response to Intervenor, Florida Industrial Power Users Group's ("FIPUG") Request for Production of Documents (Nos. 1-12). (FIPUG's Request for Production of Documents is attached hereto as Exhibit A.) Specifically, the documents produced by Cedar Bay identified as confidential (the "Confidential Documents") contain proprietary confidential business information, including Confidential Information as that term is defined in the Confidentiality Agreement between (a) Florida Power and Light ("FPL"), (b) Cedar

COM _____ Bay Generating Company, Limited Partnership, Cogentrix Energy
AFD _____
APA _____ Power Management, LLC, and CBAS Power Holdings, LLC
ECO _____ (collectively, the "Cedar Bay Companies"), and (c) FIPUG, the
ENG _____ disclosure of which would adversely impact Cedar Bay's
GCL _____
IDM _____ competitive business interests.
TEL _____
CLK _____

RECEIVED-FPS
15 MAY -5 PM 2:00
COMMISSION
CLERK

Attached as Exhibit B is a DVD containing the Confidential Documents.

Pursuant to Rule 25-22.006(3)(a)(1), Cedar Bay will file its Request for Confidential Classification for the Confidential Documents within twenty-one (21) days of filing this request.

Respectfully submitted this 5th day of May, 2015.



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Attorneys for Cedar Bay
Generating Company, Limited
Partnership

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic delivery, on this 5th day of May, 2015.

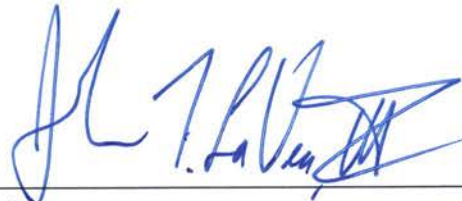
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EXHIBIT A

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition for Approval of Arrangement to
Mitigate Impact of Unfavorable Cedar Bay
Power Purchase Obligation

DOCKET NO.: 150075-EI

FILED: April 10, 2015

**FLORIDA INDUSTRIAL POWER USERS GROUP'S
REQUEST FOR PRODUCTION OF DOCUMENTS NOS. 1-12**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Industrial Power Users Group (FIPUG), by and through its undersigned counsel, hereby serves the following First Request for Production of Documents (No. 1-12) upon Florida Power and Light Company ("FPL") and a non-party company as defined below.

Please produce the following documents at the offices of Moyle Law Firm, P.A., 118 N. Gadsden Street, Tallahassee, FL 32301, no later than thirty days after service of this request for the purposes of inspection and copying.

DEFINITIONS

The term "Company" means the Cedar Bay Generating Company, Limited Partnership, Cogentrix Energy Power Management, LLC, Carlyle Power Partners (I and II), Carlyle Investment Management, LLC, and the Carlyle Group, LLP, together with the officers, employees, consultants, agents, representatives, attorneys, affiliated companies and any other person or entity acting on behalf of the Company. The term "FPL" means the Florida Power and Light Company or its corporate affiliates.

You, and your, refer to Company, as defined in the previous paragraph.

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a text message, e-mail, book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intraoffice memo or e-mail, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

DOCUMENTS REQUESTED

1. Documents the Company has regarding present and future environmental regulation compliance matters affecting the Cedar Bay facility, including, but not limited to s. 111(d) of the federal Clean Air Act;
2. Documents the Company has regarding business plans, consultants' reports, or cash flow projections for the Cedar Bay facility prepared within the past 5 years;
3. Documents the Company has regarding capital expenditures that would be needed in the foreseeable future, if any, to enable the Cedar Bay facility to be in compliance with existing environmental regulations;
4. Documents the Company has regarding capital expenditures that would be needed in the foreseeable future, if any, to enable the Cedar Bay facility to be in compliance with proposed environmental regulations;
5. Documents the Company has regarding the future of the Cedar Bay facility as a going concern;
6. Documents the Company has regarding the corporate organization and structure of the direct and indirect ownership of the Cedar Bay facility;
7. Documents the Company has reflecting communications between management (plant manager and others) of the Cedar Bay facility with management of Cogentrix entities or the Carlyle entities;
8. Documents the Company has reflecting communications related to the Cedar Bay facility exchanged with government officials within the past 5 years regarding the Cedar Bay facility;

9. Documents the Company has reflecting communications with FPL regarding the Cedar Bay facility during the past 5 years exchanged between FPL and Cedar Bay management, Congentrix entities or the Carlyle entities;
10. Documents the Company has regarding past and projected financial analysis and performance of the Cedar Bay facility;
11. Documents the Company has regarding allegations, communications or contentions of breach of the operative purchased power agreement between the Cedar Bay facility and FPL created during the last 5 years;
12. Documents the Company has reflecting existing contractual relationships with FPL, including but not limited to, the purchased power agreement and the Cedar Bay facility purchase and sale agreement.

/s/ Jon C. Moyle

Jon C. Moyle, Jr.

Karen A. Putnal

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kputnal@moylelaw.com

Attorneys for Florida Industrial Power Users Group

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Request for Production of Documents has been furnished by hand-delivery* and electronic mail this 10th day of April, 2015, to the following:

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/s/ Jon C. Moyle
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