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June 2, 2015

**VIA HAND DELIVERY**

Ms. Carlotta S. Stauffer  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
15 JUN -2 PM 3:16  
COMMISSION  
CLERK

Re: Docket No. 150075-EI

**REDACTED**

Dear Ms. Stauffer:

I enclose for filing in the above docket an original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Responses to Florida Industrial Power Users Group Second Request for Production of Documents. The original includes Exhibits A, B (two copies), Exhibit C and Exhibit D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains one affidavit in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C, in Microsoft Word format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

*Kevin C. Donaldson*  
Kevin C. Donaldson

- COM \_\_\_\_\_
- AFD 2
- APA \_\_\_\_\_
- ECO 2
- ENG 2 + Redacted
- GCL 1 cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)
- IDM \_\_\_\_\_
- TEL \_\_\_\_\_
- CLK \_\_\_\_\_

Florida Power & Light Company

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

Date: June 2, 2015

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF RESPONSE TO FLORIDA INDUSTRIAL POWER USERS GROUP'S REQUEST FOR PRODUCTION OF DOCUMENTS (No. 13)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of its response to Florida Industrial Power Users Group's ("FIPUG") Request for Production of Documents (No. 13). In support of its request, FPL states:

1. On June 2<sup>nd</sup>, 2015, FPL served its supplemental response to FIPUG's Second Request for Production of Documents No. 13. The supplemental responsive documents comprise proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (hereinafter referred to as the "Confidential Discovery Responses").

2. FPL files this request to FIPUG's Second Request for Production No. 13, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. The following exhibits are included with and made a part of the original request and this request:

a. Exhibit A consists of a compact disc containing the Confidential Discovery Responses produced in response to FIPUG's Second Request for Production of Documents No. 13. All of the pages of all responsive documents are confidential in their entirety. Accordingly, no purpose would be served by highlighting all of the text on the documents.

b. Exhibit B consists of an identifying cover page indicating that all of the supplemental documents responsive to FIPUG's Second Request for Production of Documents No. 13 are confidential in their entirety. Because each page is confidential in its entirety, no purpose would be served by reproducing thousands of fully redacted pages.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with a brief description of the documents designated confidential. Exhibit C also sets forth references to the specific statutory bases for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D consists of the affidavit of Thomas L. Hartman.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

5. As the affidavit of Thomas L. Hartman included as Exhibit D indicates, the Confidential Discovery Responses provided by FPL constitute the proprietary business information of a third party related to the third party's competitive interests. Specifically, the materials consist of documents provided by CBAS Power Holdings, LLC or its subsidiaries or affiliates, which FPL is contractually obligated to treat confidentially. In addition, disclosure of

these materials would impair the competitive business of CBAS Power Holdings, LLC. This information is protected by Sections 366.093(3)(d) and (e), Fla. Stat.

6. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

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

Respectfully submitted,

John T. Butler  
Assistant General Counsel - Regulatory  
Kevin I.C. Donaldson  
Senior Attorney  
Maria J. Moncada  
Principal Attorney  
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By:   
for \_\_\_\_\_  
Kevin I.C. Donaldson  
Florida Bar No. 0833401

**CERTIFICATE OF SERVICE**  
**Docket No. 150075-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification\* has been furnished by electronic mail on this 2<sup>nd</sup>, day of June, 2015 to the following:

Martha F. Barrera, Esq.  
Division of Legal Services  
Florida Public Service Commission  
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*Attorney for Fla. Industrial Power Users  
Group*

By:   
*for* \_\_\_\_\_  
Kevin I.C. Donaldson  
Florida Bar No. 0833401

\*The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

**EXHIBIT B**

**REDACTED COPIES**

**Documents responsive to FIPUG's Second Request for Production No. 13  
Supplemental (Bates Nos. CB-15-012936 through CB-15-012953) are confidential in  
their entirety.**

**EXHIBIT C**

**JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company

**DOCKET TITLE:** In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

**DOCKET NO:** 150075-EI

**SUBJECT:** FPL's Supplemental Confidential Responses to the Florida Industrial Power Users Group's Second Request for Production of Documents (No. 13)

**DATE:** June 2, 2015

<b>FPL's Supplemental Responses to FIPUG's 2<sup>nd</sup> Request for Production No.</b>	<b>Bates No. / Page No.</b>	<b>Description</b>	<b>Column No. / Line No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
No. 13	Bates Nos. CB-15-012936 through CB-15-012953	Documents supplied by CBAS Power Holdings and its affiliates, which FPL reviewed as part of its due diligence	ALL	(d), (e)	T. Hartman

**EXHIBIT D**

**AFFIDAVIT**

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

STATE OF FLORIDA )
COUNTY OF PALM BEACH )

AFFIDAVIT OF THOMAS L. HARTMAN

BEFORE ME, the undersigned authority, personally appeared Thomas L. Hartman who, being first duly sworn, deposes and says:

1. My name is Thomas L. Hartman. I am currently employed by Florida Power & Light Company ("FPL") as Director, Business Development in Energy Marketing and Trading. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents or materials that I have reviewed and which are asserted by FPL to be confidential constitute the proprietary business information of a third party related to the third party's competitive interests. Specifically, the materials consist of documents provided by CBAS Power Holdings, LLC or its subsidiaries or affiliates, which FPL is contractually obligated to treat confidentially. In addition, disclosure of these materials would impair the competitive business of CBAS Power Holdings, LLC.

3. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

4. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

5. Affiant says nothing further.

[Handwritten signature of Thomas L. Hartman]
Thomas L. Hartman

SWORN TO AND SUBSCRIBED before me this 2nd day of June 2015, by Thomas L. Hartman, who is personally known to me or who has produced [redacted] (type of identification) as identification and who did take an oath.

[Handwritten signature of Jacqueline S. Bussey]
Notary Public, State of Florida

My Commission Expires:

