

**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 & ) FILED: June 3, 2015  
Light Company. )  
\_\_\_\_\_ )

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**CEDAR BAY GENERATING COMPANY'S SIXTH  
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 Sixth Notice of Intent to Request Confidential Classification for the deposition transcript of Cliff Evans (the "Deposition Transcript"). (The Deposition Transcript resulted from a deposition taken in this docket on May 27, 2015, pursuant to the Florida Industrial Power Users Group's ("FIPUG") Notice of Taking Deposition, the Office of Public Counsel's Cross-Notice of Taking Deposition, and Staff's Cross-Notice of Taking Deposition (collectively, the "Deposition Notices"). The Deposition Notices are attached hereto as Exhibit A.) Specifically, the Deposition Transcript contains proprietary confidential business information, including Confidential Information as that term is

- COM \_\_\_\_\_
- AFD \_\_\_\_\_ defined in the Confidentiality Agreement between and among (a)
- APA \_\_\_\_\_ Florida Power and Light ("FPL"), (b) Cedar Bay Generating
- ECO \_\_\_\_\_
- ENG \_\_\_\_\_ Company, Limited Partnership, Cogentrix Energy Power Management,
- GCL \_\_\_\_\_ LLC, and CBAS Power Holdings, LLC (collectively, the "Cedar Bay
- IDM \_\_\_\_\_
- TEL \_\_\_\_\_
- CLK \_\_\_\_\_

Companies"), and (c) FIPUG, the disclosure of which would adversely impact Cedar Bay's competitive business interests.

Attached as Exhibit B is a CD containing the Deposition Transcript.

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

Respectfully submitted this 3rd day of June, 2015.



Robert Scheffel Wright  
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John T. LaVia, III  
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(850) 385-5416 Facsimile

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 3rd day of June, 2015.

Martha Barrera  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

Jon C. Moyle, Jr./Karen Putnal  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301

Mr. Ken Hoffman  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, Florida 32301

J.R. Kelly / John J. Truitt  
Office of the Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

John T. Butler / Maria J. Moncada  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408

  
\_\_\_\_\_  
Attorney

**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

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DOCKET NO.: 150075-EI

FILED: May 6, 2015

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
NOTICE OF TAKING DEPOSITION**

TO: ALL PARTIES

Pursuant to Rule 1.310, Florida Rules of Civil Procedure, notice is hereby given that the Florida Industrial Power Users Group (FIPUG) will take the deposition of the following named individual(s) at the office of the Florida Public Service Commission, 2540 Shumard Oak Blvd., Room 105, Tallahassee, Florida 32399, at the following times:

NAME	DATE AND TIME
TRACY PATTERSON	Thursday, May 14, 2015 1:00 p.m. EST
RICK NEFF	Thursday, May 14, 2015 or upon conclusion of questioning of witness Patterson.
MARK RUDOLPH	Thursday, May 14, 2015 or upon conclusion of questioning of witness Neff.
CLIFF EVANS	Friday, May 15, 2015 or upon conclusion of questioning of witness Rudolph.

Corporate Representative of the Carlyle Group L.P. <sup>1</sup> most knowledgeable about the transaction involving the Cedar Bay facility for which FPL is seeking Commission approval	Friday, May 15, 2015 or upon conclusion of questioning of witness Evans.  This deposition may be conducted by telephone for the conveyance of the witness and parties.
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The deposition will be taken upon oral examination before an official court reporter or other officer authorized by law to take depositions.

The deposition is being taken for purposes of discovery, for use at trial, or for any other purposes allowed under the Florida Rules of Civil Procedure and the Rules of the Florida Public Service Commission.

/s/ Jon C. Moyle  
Jon C. Moyle, Jr.  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 681-3828  
Facsimile: (850) 681-8788  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

Attorneys for Florida Industrial Power Users Group

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<sup>1</sup> The Carlyle Group L.P. is the entity that controls the generating unit at issue, the Cedar Bay facility. When one performs a Google search of Cedar Bay Generating Company, the Carlyle Group website lists the Cedar Bay Generating Plant, suggesting the unit is part and parcel of the Carlyle Group. Furthermore, FERC filings detail, ultimately, that the Carlyle Group L.P. sponsors and manages investment vehicles that own the Cedar Bay facility.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Industrial Power Users Group's Notice of Deposition has been furnished by electronic mail this 6th day of May, 2015, to the following:

Martha F. Barrera  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399  
[mbarrera@psc.state.fl.us](mailto:mbarrera@psc.state.fl.us)

R. Wade Litchfield  
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/s/ Jon C. Moyle  
Jon C. Moyle

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 150075-EI

Filed: May 7, 2015

**OFFICE OF PUBLIC COUNSEL'S  
CROSS-NOTICE OF DEPOSITIONS**

TO: All Parties

NOTICE is hereby given that the Office of Public Counsel will take the deposition of the following individuals at the following location and time indicated:

<b>NAME</b>	<b>DATE and TIME</b>	<b>LOCATION</b>
Tracy Patterson	Thursday, May 14, 2015 1:00 p.m. EST	Florida Public Service Commission, Room 105, 2540 Shumard Oak Blvd. Tallahassee, FL 32399
Rick Neff	Thursday, May 14, 2015 or upon conclusion of questioning of witness Patterson.	Florida Public Service Commission, Room 105, 2540 Shumard Oak Blvd. Tallahassee, FL 32399
Mark Rudolph	Thursday, May 14, 2015 or upon conclusion of questioning of witness Neff	Florida Public Service Commission, Room 105, 2540 Shumard Oak Blvd. Tallahassee, FL 32399
Cliff Evans	Friday, May 15, 2015 or upon conclusion of questioning of witness Rudolph	Florida Public Service Commission, Room 105, 2540 Shumard Oak Blvd. Tallahassee, FL 32399

The deposition is being taken for purposes of discovery, for use at trial, or for any other purpose allowed under, and in accord with, all applicable provisions of the Florida Rules of Civil Procedure and the Florida Administrative Code.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Truitt", is written over a horizontal line. The signature is stylized and somewhat cursive.

John J. Truitt  
Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-0850  
(850) 488-9330

Attorney for the Citizens  
of the State of Florida



**CERTIFICATE OF SERVICE**  
**DOCKET NO. 150075-EI**


I HEREBY CERTIFY that a true and correct copy of the foregoing OFFICE OF PUBLIC COUNSEL'S CROSS-NOTICE OF DEPOSITIONS has been furnished by electronic mail to the following parties on this 7th day of May, 2015.

Martha Barrera  
Office of General Counsel  
Florida Public Service Commission  
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Ken Hoffman  
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[maria.moncada@fpl.com](mailto:maria.moncada@fpl.com)

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Karen A. Putnal  
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\_\_\_\_\_  
John J. Truitt  
Associate Public Counsel

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

DATED: May 7, 2015

STAFF'S CROSS-NOTICE OF DEPOSITIONS

TO: All Parties

NOTICE is hereby given that the Staff of the Florida Public Service Commission will take the deposition of the following named individuals indicated below:

NAME	DATE and TIME	LOCATION
TRACY PATTERSON	Thursday, May 14, 2014, 1:00 pm	Room G105 Florida Public Service Commission Gerald L. Gunter Building 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850
RICK NEFF	Thursday, May 14, 2014, or upon conclusion of questioning of witness Patterson	Room G105 Florida Public Service Commission Gerald L. Gunter Building 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850
MARK RUDOLPH	Thursday, May 14, 2015 or upon conclusion of questioning of witness Neff.	Room G105 Florida Public Service Commission Gerald L. Gunter Building 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850
CLIFF EVANS	Friday, May 15, 2015 or upon conclusion of questioning of witness Rudolph.	Room G105 Florida Public Service Commission Gerald L. Gunter Building 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

These depositions are being taken for purposes of discovery, for use at trial, or for any other purpose allowed under the Florida Rules of Civil Procedure, the Uniform Rules of Procedure, and the Rules of the Florida Public Service Commission.

Parties may only attend in person.

STAFF'S CROSS-NOTICE OF DEPOSITIONS  
DOCKET NO. 150075-EI  
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In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the deposition at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service.

Please govern yourselves accordingly.

*/s/Martha F. Barrera*

Martha F. Barrera  
Senior Attorney, Office of the General Counsel

FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
mbarrera@psc.state.fl.us  
(850) 413-6212

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  
DATED: May 7, 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing STAFF'S CROSS-NOTICE OF DEPOSITIONS was furnished to the following by electronic mail on this 7th day of May, 2015.

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[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

*/s/Martha F. Barrera*

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Martha F. Barrera  
Senior Attorney, Office of the General Counsel

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