

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 29, 2015
Light Company.)

REDACTED

**CEDAR BAY GENERATING COMPANY'S
NINTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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Cedar Bay Generating Company, Limited Partnership ("Cedar Bay"), by and through undersigned counsel, and pursuant to Rule 25-22.006, Florida Administrative Code ("F.A.C."), and Section 366.093, Florida Statutes ("F.S."), hereby requests confidential classification for portions of the testimony and exhibits of the Office of Public Counsel's ("OPC") witnesses Gary D. Brunault, Dan J. Wittliff, and Christopher C. Dawson ("OPC's Testimony and Exhibits") which were filed with the Commission on June 8, 2015. In support of its request, Cedar Bay states as follows:

1. On June 8, 2015, Cedar Bay filed its Ninth Notice of Intent to Request Confidential Classification related to OPC's Testimony and Exhibits. Accordingly, pursuant to Rule 25-22.006(3), F.A.C., this request is timely. Please note that the

Ninth Notice included a request for confidential treatment for the testimony and exhibits of OPC witness Terry M. Myers. Cedar Bay has reviewed Mr. Myers testimony and exhibits and determined that no confidential information is contained therein.

Consequently, Cedar Bay will not be filing a request for

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confidential classification concerning Mr. Myers' testimony and exhibits.

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

- a. Exhibit A is a CD containing OPC's Testimony and Exhibits on which all information for which Cedar Bay is requesting confidential treatment is highlighted. Exhibit A is submitted separately in a sealed envelope marked "CONFIDENTIAL."
- b. Exhibit B consists of two CDs containing OPC's Testimony and Exhibits on which all information for which Cedar Bay is seeking confidential treatment has been redacted.
- c. Exhibit C is a table that identifies the specific statutory bases for the claim of confidentiality.
- d. Exhibit D is the affidavit of Jacob A. Pollack, Vice President and Secretary of Cedar Bay.

3. 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 the company, (ii) because disclosure of the information would cause harm, (iii) to the company's business operation, and (iv) the information has not been voluntarily disclosed to the public. Additionally, section 366.093(3)(e) defines as proprietary confidential business information "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."


4. Cedar Bay is requesting confidential classification of OPC's Testimony and Exhibits because OPC's Testimony and Exhibits contain Cedar Bay's proprietary, confidential, and competitively sensitive business information, including information concerning internal business plans, projected capital expenditures, confidential contractual negotiations, contractual arrangements, internal budget projections, financial forecasts, plant operations, and other competitively sensitive commercial information, the disclosure of which would harm or otherwise adversely impact Cedar Bay's and/or its affiliates' competitive business interests. Cedar Bay has treated the information contained in OPC's Testimony and Exhibits as confidential and Cedar Bay has not voluntarily disclosed the information contained in OPC's Testimony and Exhibits to the public.

5. Upon a finding by the Commission that the material in Exhibit A for which Cedar Bay 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 Cedar Bay 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, Cedar Bay Generating Company, Limited Partnership respectfully requests that its Ninth Request for Confidential Classification be granted.

Respectfully submitted this 29th day of June, 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 29th day of June, 2015.

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

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Tallahassee, Florida 32301

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Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408



Attorney

EXHIBIT B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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Two redacted versions of
OPC's Testimony and Exhibits
are included on the attached CDs.

EXHIBIT C

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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_____)

<u>Document</u>	<u>Pages/Lines</u>	<u>Justification</u>
OPC's Prefiled Testimony of Gary D. Brunault		
	<u>Page 8</u> Lines 4 - 7	§ 366.093(3)(e), Fla. Stat.
	<u>Page 17</u> Part of line 20	§ 366.093(3)(e), Fla. Stat.
	Part of line 21	§ 366.093(3)(e), Fla. Stat.
	Part of line 22	§ 366.093(3)(e), Fla. Stat.
	<u>Page 18</u> Part of line 4	§ 366.093(3)(e), Fla. Stat.
	Part of line 5	§ 366.093(3)(e), Fla. Stat.
	Line 6	§ 366.093(3)(e), Fla. Stat.
	Lines 8 - 12	§ 366.093(3)(e), Fla. Stat.
	<u>Page 19</u> Part of line 4	§ 366.093(3)(e), Fla. Stat.
	Part of line 5	§ 366.093(3)(e), Fla. Stat.
	Part of line 6	§ 366.093(3)(e), Fla. Stat.
	Part of line 7	§ 366.093(3)(e), Fla. Stat.
	Part of line 9	§ 366.093(3)(e), Fla. Stat.
	Line 10	§ 366.093(3)(e), Fla. Stat.

Document

Pages/Lines

Justification

OPC's Prefiled Testimony of Gary D. Brunault (continued)

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Part of line 1 § 366.093(3)(e), Fla. Stat.
Part of line 7 § 366.093(3)(e), Fla. Stat.
Part of line 10 § 366.093(3)(e), Fla. Stat.

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Part of line 3 § 366.093(3)(e), Fla. Stat.
Part of line 6 § 366.093(3)(e), Fla. Stat.
Part of line 7 § 366.093(3)(e), Fla. Stat.
Part of line 8 § 366.093(3)(e), Fla. Stat.
Part of line 10 § 366.093(3)(e), Fla. Stat.
Part of line 11 § 366.093(3)(e), Fla. Stat.
Part of line 19 through part of line 21 § 366.093(3)(e), Fla. Stat.

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Line 2 through part of line 3 § 366.093(3)(e), Fla. Stat.
Part of line 7 through part of line 8 § 366.093(3)(e), Fla. Stat.
Part of line 10 § 366.093(3)(e), Fla. Stat.
Part of line 12 § 366.093(3)(e), Fla. Stat.
Part of line 13 § 366.093(3)(e), Fla. Stat.
Part of line 14 § 366.093(3)(e), Fla. Stat.
Part of line 15 § 366.093(3)(e), Fla. Stat.

Document

Pages/Lines

Justification

OPC's Prefiled Testimony of Gary D. Brunault (continued)

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Part of line 7	§ 366.093(3)(e), Fla. Stat.
Part of line 16	§ 366.093(3)(e), Fla. Stat.
Parts of line 18	§ 366.093(3)(e), Fla. Stat.
Parts of line 19	§ 366.093(3)(e), Fla. Stat.
Part of line 20	§ 366.093(3)(e), Fla. Stat.
Part of line 21	§ 366.093(3)(e), Fla. Stat.

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Part of line 3	§ 366.093(3)(e), Fla. Stat.
Part of line 6	§ 366.093(3)(e), Fla. Stat.
Part of line 7	§ 366.093(3)(e), Fla. Stat.
Part of line 15 through part of line 16	§ 366.093(3)(e), Fla. Stat.

OPC's Prefiled Testimony of Dan J. Wittliff

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Lines 6 - 14

§ 366.093(3)(e), Fla. Stat.

OPC's Prefiled Testimony of Christopher C. Dawson

Page 4
Parts of line 19 through parts of line 20 § 366.093(3)(e), Fla. Stat.

Page 22
Lines 17 - 23 § 366.093(3)(e), Fla. Stat.

Page 23
Lines 1 - 25 § 366.093(3)(e), Fla. Stat.

Page 24
Lines 1 - 17 § 366.093(3)(e), Fla. Stat.

PDF Page 34 - Exhibit CCD-5
Entire Exhibit § 366.093(3)(e), Fla. Stat.

PDF Page 35 - Exhibit CCD-6
Entire Exhibit § 366.093(3)(e), Fla. Stat.

PDF Page 36 - Exhibit CCD-7
Portion of Table identified as 4 § 366.093(3)(e), Fla. Stat.

EXHIBIT D

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AFFIDAVIT OF JACOB A. POLLACK IN SUPPORT OF
CEDAR BAY GENERATING COMPANY'S
NINTH REQUEST FOR CONFIDENTIAL CLASSIFICATION

STATE OF NEW YORK

COUNTY OF NEW YORK

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Jacob A. Pollack, who being first duly sworn, on oath deposes and says that:

1. My name is Jacob A. Pollack. I am over the age of 18 years old and I have been authorized by Cedar Bay Generating Company, Limited Partnership ("Cedar Bay") to give this affidavit in the above-styled proceeding on Cedar Bay's behalf and in support of Cedar Bay's Ninth Request for Confidential Classification. I have personal knowledge of the matters stated in this affidavit.

2. I am Vice President and Secretary for Cedar Bay. I am also Senior Vice President and General Counsel for Cogentrix Energy Power Management, LLC ("CEPM"), which is an affiliate of Cedar Bay. My business address is 9405 Arrowpoint Boulevard,

Charlotte, North Carolina 28273. I am responsible for all legal, corporate governance, and corporate records matters for Cedar Bay and CEPM.

3. Cedar Bay is seeking confidential classification for portions of the prefiled testimony and exhibits of the Office of Public Counsel's witnesses Gary D. Brunault, Dan J. Wittliff, and Christopher C. Dawson, as more specifically identified in Exhibits A and C of Cedar Bay's Ninth Request for Confidential Classification.

4. Cedar Bay is requesting confidential classification of this information because it is competitively sensitive confidential business information, in that it contains information concerning internal business plans, projected capital expenditures, confidential contractual negotiations, contractual arrangements, internal budget projections, financial forecasts, plant operations, and other competitively sensitive commercial information. The disclosure of this information to third parties would adversely impact Cedar Bay's and/or its affiliates' competitive business interests and otherwise harm Cedar Bay and/or its affiliates.

5. The information identified in Exhibit A and Exhibit C is intended to be and is treated as confidential by Cedar Bay and has not been disclosed to the public.

6. This concludes my affidavit.

Jacob A. Pollack

Jacob A. Pollack
Vice President and Secretary
Cedar Bay Generating Company, LP
9405 Arrowpoint Boulevard
Charlotte, North Carolina 28273

SWORN TO AND SUBSCRIBED before me this 29th day of June,
2015, by Jacob A. Pollack, who is personally known to me or who
has produced driver's license (type of
identification) as identification and who did take an oath.

Dawn L. Requena

Notary Public, State of ~~North Carolina~~
New York

My Commission Expires:

DAWN L. REQUENA
Notary Public - State of New York
No. 01RE6270218
Qualified In New York County
My Commission Expires October 15, 2016