

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: July 16, 2015
Light Company.)
_____)

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COMMISSION
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**CEDAR BAY GENERATING COMPANY'S REVISED
TENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 certain deposition exhibits to the depositions of Tracy Patterson, Charles Richard Neff, Stephen Mark Rudolph, and Clifford Evans. On June 8, 2015, the Florida Industrial Power Users Group ("FIPUG") filed a Notice of Intent to Use the Depositions of Clifford D. Evans and Mark Rudolph as Pre-Filed Testimony and to Use Select Exhibits (PSC Document #03480-15). FIPUG specifically listed Deposition Exhibit Nos. 1, 5, 6, 15, 17, 18, 21, 22, 24, 25, 26, 29, 30, 31, 33, 38 and 39 ("FIPUG's Selected Deposition Exhibits"). Please note that on June 24,

COM _____ 2015, Cedar Bay filed its Seventh Request for Confidential
AFD _____
APA _____ Classification (PSC Document #03884-15) (the "Seventh Request"),
ECO _____ which included a blanket request for confidential treatment of
ENG TEP all 38 exhibits to the depositions of Mr. Patterson, Mr. Neff,
GCL TEP Mr. Rudolph, and Mr. Evans (PSC Confidential Document #03885-15),
IDM _____
TEL _____
CLK _____

including all of FIPUG's Selected Deposition Exhibits. This REVISED Tenth Request for Confidential Classification includes a line-by-line identification of confidential information and identifies and requests confidential classification for specified information contained in FIPUG's selected Deposition Exhibits and is intended to supersede the blanket request for confidential treatment with respect to Deposition Exhibit Nos. 1, 5, 6, 15, 17, 18, 21, 22, 24, 25, 26, 29, 30, 31, 33, 38 and 39 contained in the Seventh Request. In support of its request, Cedar Bay states as follows:

1. On June 8, 2015, Cedar Bay filed its Tenth Notice of Intent to Request Confidential Classification related to FIPUG's Selected Deposition Exhibits. (PSC Document #03478-15) (This was a blanket request). On June 29, 2015, Cedar Bay filed its Tenth Request for Confidential Classification ("Tenth Request") (PSC Document #04012-15), which included highlighted (PSC Confidential Document #04013-15) and redacted copies of FIPUG's Selected Deposition Exhibits. Exhibit C to the Tenth Request included a page-by-page description of the confidential information, but not a line-by-line description. This REVISED Tenth Request ("REVISED Tenth Request") provides a line-by-line description of the confidential information in each of FIPUG's Selected Deposition Exhibits.

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

- a. Exhibit A is a CD containing FIPUG's selected Deposition Exhibits (line-by-line) 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 FIPUG's Selected Deposition Exhibits (line-by-line) 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 FIPUG's Selected Deposition Exhibits because FIPUG's Selected Deposition 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 FIPUG's Selected Deposition Exhibits as confidential and Cedar Bay has not voluntarily disclosed the information contained in FIPUG's Selected Deposition 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 REVISED Tenth Request for Confidential Classification be granted.

Respectfully submitted this 16th day of July, 2015.



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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 16th day of June, 2015.

Martha Barrera
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
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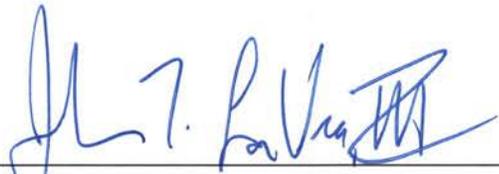
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PSC DOCKET NO. 150075-EI

CEDAR BAY GENERATING COMPANY'S
REVISED TENTH REQUEST FOR
CONFIDENTIAL CLASSIFICATION

EXHIBIT B

EXHIBIT C - REVISED

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: July 16, 2015
Light Company.)
_____)

<u>Document</u> (Deposition Exhibits)	<u>Pages/Lines</u>	<u>Justification</u>
No. 1 - Operations Summary - April 2013	(One Page) Part of line 4	§ 366.093(3)(e), Fla. Stat.
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	Parts of line 6	§ 366.093(3)(e), Fla. Stat.
	Parts of line 7	§ 366.093(3)(e), Fla. Stat.
	Parts of line 8	§ 366.093(3)(e), Fla. Stat.
	Parts of line 9	§ 366.093(3)(e), Fla. Stat.
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	Part of line 22	§ 366.093(3)(e), Fla. Stat.

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Lines 1 - 42

§ 366.093(3)(e), Fla. Stat.

CB0030640
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030641
Lines 1 - 45

§ 366.093(3)(e), Fla. Stat.

CB0030642
Lines 3 - 44

§ 366.093(3)(e), Fla. Stat.

CB0030643
Lines 1 - 45

§ 366.093(3)(e), Fla. Stat.

CB0030644
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030645
Lines 2 - 42

§ 366.093(3)(e), Fla. Stat.

CB0030646
Lines 2 - 42

§ 366.093(3)(e), Fla. Stat.

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20-13 presentation to
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CB0030647
Lines 1 - 45

§ 366.093(3)(e), Fla. Stat.

CB0030648
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030649
Lines 1 - 9

§ 366.093(3)(e), Fla. Stat.

CB0030650
Lines 3 - 40

§ 366.093(3)(e), Fla. Stat.

CB0030651
Lines 1 - 39

§ 366.093(3)(e), Fla. Stat.

CB0030652
Lines 2 - 44

§ 366.093(3)(e), Fla. Stat.

CB0030653
Lines 1 - 39

§ 366.093(3)(e), Fla. Stat.

CB0030654
Lines 1 - 41

§ 366.093(3)(e), Fla. Stat.

CB0030655
Lines 3 - 46

§ 366.093(3)(e), Fla. Stat.

CB0030656
Lines 1 - 47

§ 366.093(3)(e), Fla. Stat.

CB0030657
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§ 366.093(3)(e), Fla. Stat.

CB0030658
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030659
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§ 366.093(3)(e), Fla. Stat.

CB0030660
Lines 1 - 45

§ 366.093(3)(e), Fla. Stat.

CB0030661
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030662
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§ 366.093(3)(e), Fla. Stat.

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No. 22 - GBGC, LP 3-
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lenders (continued)

CB0030663
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§ 366.093(3)(e), Fla. Stat.

CB0030664
Lines 1 - 45

§ 366.093(3)(e), Fla. Stat.

CB0030665
Lines 3 - 45

§ 366.093(3)(e), Fla. Stat.

CB0030666
Lines 1 - 45

§ 366.093(3)(e), Fla. Stat.

CB0030667
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030668
Lines 1 - 9

§ 366.093(3)(e), Fla. Stat.

CB0030669
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030670
Lines 1 - 45

§ 366.093(3)(e), Fla. Stat.

CB0030671
Lines 1 - 41

§ 366.093(3)(e), Fla. Stat.

CB0030672
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030673
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030674
Lines 2 - 42

§ 366.093(3)(e), Fla. Stat.

CB0030675
Lines 1 - 42

§ 366.093(3)(e), Fla. Stat.

CB0030676
Line 1

§ 366.093(3)(e), Fla. Stat.

CB0030677
Lines 2 - 44

§ 366.093(3)(e), Fla. Stat.

CB0030678
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No. 25 - 10-15-14 e-mail string

CB0035285
Lines 8 - 53

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CB0035288
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No. 26 - 5-30-14 e-mail

CB0037132
Lines 7 - 49

§ 366.093(3)(e), Fla. Stat.

No. 29 - 1 6-15 e-mail

CB0042035
Part of line 5

§ 366.093(3)(e), Fla. Stat.

Line 6

§ 366.093(3)(e), Fla. Stat.

Lines 24 - 32

§ 366.093(3)(e), Fla. Stat.

No. 30 - 10-20-14 e-mail

CB0042265
Lines 10 - 14

§ 366.093(3)(e), Fla. Stat.

No. 31 - 8-17-14 e-mail

CB0042279
Lines 17 - 28

§ 366.093(3)(e), Fla. Stat.

No. 33 - CB Ownership structure

CB0044236
Part of lines 4 - 22

§ 366.093(3)(e), Fla. Stat.

Lines 23 - 47

§ 366.093(3)(e), Fla. Stat.

No. 37 - 3-24-14 e-mail

CB0044937
Part of lines 6

§ 366.093(3)(e), Fla. Stat.

Part of line 7

Lines 11 - 15

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No. 38 - 3-24-14
Carlyle Group letter

CB0044938
Lines 20 - 21 § 366.093(3)(e), Fla. Stat.

Lines 25 - 31 § 366.093(3)(e), Fla. Stat.

Part of line 38 § 366.093(3)(e), Fla. Stat.

Line 39 - 44 § 366.093(3)(e), Fla. Stat.

CB0044939
Lines 6 - 47 § 366.093(3)(e), Fla. Stat.

CB0044940
Lines 7 - 47 § 366.093(3)(e), Fla. Stat.

CB0044941
Lines 7 - 20 § 366.093(3)(e), Fla. Stat.

EXHIBIT D

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: July 16, 2015
Light Company.)
_____)

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

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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 REVISED Tenth Request for Confidential Classification (the "REVISED Tenth Request"). 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 (1) is an affiliate of Cedar Bay, and (2) employs Tracy Patterson, Charles Richard

Neff, Stephen Mark Rudolph, and Cliff Evans, the individuals whose deposition exhibits are the subject of this REVISED Tenth Request. 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 exhibits No. 1, 5, 6, 15, 17, 18, 21, 22, 24, 25, 26, 29, 30, 31, 33, 37, and 38 to the depositions of Tracy Patterson, Rick Neff, Mark Rudolph, and Cliff Evans, as more specifically identified in Exhibits A and C of Cedar Bay's REVISED Tenth 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.

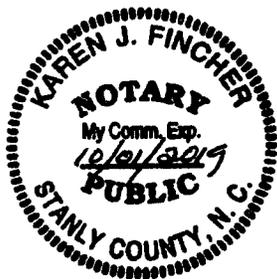
5. The information identified in Exhibit A and Exhibit C is intended to be and is treated as confidential by Cedar Bay and has not been disclosed to the public.

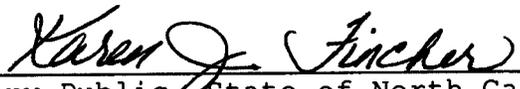
6. This concludes my affidavit.



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

SWORN TO AND SUBSCRIBED before me this 16th day of July, 2015, by Jacob A. Pollack who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.




Notary Public State of North Carolina

My Commission Expires: October 1, 2019