



Maria J. Moncada
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July 22, 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 JUL 22 PM 12:56
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 the Errata Sheet on the Rebuttal Testimony of FPL Witness David W. Herr. 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 the 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,

Maria J. Moncada

COM _____

AFD 2

APA _____ Enclosure

ECO 2 cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)

ENG 2+ Redacted + CO

GCL 1 2656255

IDM _____

TEL _____

PK

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

Date: July 22, 2015

**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of the Errata Sheet on the Rebuttal Testimony of FPL Witness David W. Herr in this proceeding. In support of its Request, FPL states as follows:

1. On July 22, 2015, FPL filed the Errata Sheet on the Rebuttal Testimony of FPL Witness David W. Herr in this proceeding. Pursuant to Rule 25-22.006 FPL files this Request for Confidential Classification.

2. The following exhibits are included with this Request:

a. Exhibit A is a copy the confidential document, on which all information that is entitled to confidential treatment under Florida law has been highlighted.

b. Exhibit B is a copy of the confidential document, on which all the information that is entitled to confidential treatment under Florida law has been redacted.

c. Exhibit C is a table that identifies the specific statutory bases for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D is the affidavit of Jacob Pollack in support of this Request for Confidential Classification.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. 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.

4. As more fully described in the affidavit included as Exhibit D, the information provided by FPL contains proprietary information concerning the competitive interest of FPL or third parties, the disclosure of which would impair the competitive business of the provider of the information. Such information is protected by Section 366.093(3)(e), Fla. Stat.


5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. § 366.093(4), Fla. Stat.

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

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Assistant General Counsel – Regulatory
Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: _____



Maria J. Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE
Docket No. 150075-EI

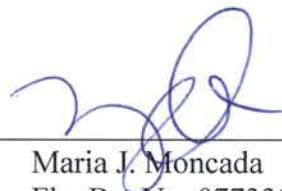
I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification* has been furnished by electronic mail on this 22nd day of July, 2015 to the following:

Martha F. Barrera, Esq.
John Villafrate, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
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jvillafrate@psc.state.fl.us
Office of the General Counsel

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jmoyle@moylelaw.com
kputnal@moylelaw.com
*Attorney for Florida Industrial Power Users
Group*

By: _____



Maria J. Moncada
Fla. Bar No. 0773301

*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

ERRATA SHEET

NAME: DAVID W. HERR – REBUTTAL TESTIMONY

IN RE: Docket No. 150075-EI - Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company

| PAGE (S) | LINES (S) | CHANGE | |
|----------|-----------|---|---|
| 3 | 9-10 | - replace ██████████ ^A with ██████████ ^B | 1 |
| | | ██████████ | 2 |
| | | - replace ██████████ ^C with ██████████ ^D | 3 |
| | | - add “) as of December 31, 2013” after ██████████ ^E | 4 |
| 5 | 1 | Insert “senior debt” after “million” | |
| 5 | 1 | Delete “of most of the Cedar Bay debt” | |
| 5 | 16 | - replace ██████████ ^A with ██████████ ^B | 5 |
| 11 | 20 | - replace ██████████ ^A with “\$250” | 6 |
| 11 | 20 | Add “senior debt” before “refinancing” | |

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company

TITLE: Request for Confidential Classification of FPL's Rebuttal Testimony

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

DATE: July 22, 2015

| Description | Page No. | Conf. Y/N | Col. No./ Line No. | Florida Statute 366.093(3) Subsection | Affiant |
|---|----------|-----------|--|---------------------------------------|------------|
| Errata Sheet on the Rebuttal Testimony of FPL witness David W. Herr | 1 of 1 | Y | Lns. 1A, 1B, 2, 3C, 3D, 4E, 5A, 5B, 6A | (e) | J. Pollack |

EXHIBIT D

AFFIDAVIT

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 &)
Light Company.)
_____)

**AFFIDAVIT OF JACOB A. POLLACK IN SUPPORT OF
FLORIDA POWER & LIGHT COMPANY'S
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 Florida Power & Light Company's ("FPL") 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. On July 8, 2015, I submitted an affidavit in support of FPL's Request for Confidential Classification of Certain Rebuttal Testimony which addressed confidential information included in FPL's witness David Herr's testimony. Cedar Bay and FPL are seeking confidential classification for portions of the Errata Sheet to Mr. Herr's Rebuttal Testimony as more specifically identified in Exhibit C of FPL's Request for Confidential Classification.

4. Cedar Bay and FPL are requesting confidential classification of this information because it is Cedar Bay's competitively sensitive confidential business information, in that it contains information concerning Cedar Bay's internal finance structure and valuations, 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.

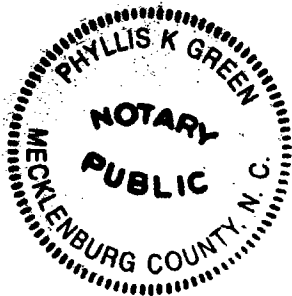
5. The information identified in Exhibit C is intended to be and is treated as confidential by Cedar Bay and has not been disclosed to the public.

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 20th 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.



Phyllis K. Green
Notary Public, State of North Carolina

My Commission Expires: May 8, 2016