

REDACTED

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: May 29, 2015
Light Company.)	
)	

RECEIVED - FPSC
15 MAY 29 PM 3:29
COMMISSION CLERK

CEDAR BAY GENERATING COMPANY'S FIFTH 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 Fifth Notice of Intent to Request Confidential Classification for the deposition transcripts of Tracy Patterson, Rick Neff, and Mark Rudolph (the "Deposition Transcripts"). The Deposition Transcripts resulted from depositions taken in this docket on May 14 and 15, 2015, pursuant to the Florida Industrial Power Users Group's ("FIPUG") Notice of Taking Deposition, the Office of Public Counsel's ("OPC") 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 Transcripts contain proprietary confidential business information, including Confidential Information as that term is defined in the Confidentiality Agreement between and among (a) Florida Power and Light ("FPL"), (b) Cedar Bay Generating Company, Limited Partnership, Cogentrix Energy Power Management, LLC, and CBAS

COM
AFD
APA
ECO
ENG
GCL
IDM
TEL
CLK

Power Holdings, LLC (collectively, the "Cedar Bay 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 Transcripts.

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

Respectfully submitted this 29th day of May, 2015.



Robert Scheffel Wright
Florida Bar No. 966721
schef@gbwlegal.com
John T. LaVia, III
Florida Bar No. 853666
jlavia@gbwlegal.com
Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
(850) 385-0070 Telephone
(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 29th day of May, 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

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. ¹ 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.
--	---

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

Attorneys for Florida Industrial Power Users Group

¹ 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

R. Wade Litchfield
John T. Butler
Maria J. Moncada
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
wade.litchfield@fpl.com
john.butler@fpl.com
maria.moncada@fpl.com

Schef Wright
Jay LaVia
1300 Thomaswood Drive
Tallahassee, FL 32308
Schef@gbwlegal.com
jlavia@gbwlegal.com

Ken Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, Florida 32399-1400
Ken.hoffman@fpl.com

J.R. Kelly, Esq.
Charles J. Rehwinkel
John Truitt
Office of Public Counsel
111 West Madison Street, room 812
Tallahassee, FL 32301
kelly.jr@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
truitt.john@leg.state.fl.us

/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:

NAME	DATE and TIME	LOCATION
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.

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
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
mbarrera@psc.state.fl.us

Ken Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
ken.hoffman@fpl.com

John T. Butler/Maria J. Moncada
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
john.butler@fpl.com
maria.moncada@fpl.com

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com



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
PAGE 2

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.

John T. Butler
Assistant General Counsel
Maria J. Moncada
Principal Attorney
700 Universe Boulevard
Juno Beach, FL 33408
maria.moncada@fpl.com

Kenneth A. Hoffman
Vice President Regulatory Affairs
Florida Power & Light Company
215 S. Monroe Street, Ste 810
Tallahassee, FL 32301
ken.hoffman@fpl.com

J.R. Kelly
Public Counsel
John J. Truitt
Associate Public Counsel
Office of Public Counsel
111 West Madison Street
Tallahassee, Florida 32301
kelly.jr@leg.state.fl.us
truitt.john@leg.state.fl.us

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788
jmoyle@moylelaw.com
kputnal@moylelaw.com

/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