

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Seminole combined cycle facility, by Seminole Electric Cooperative, Inc.

DOCKET NO. 20170266-EC

In re: Joint Petition to determine need for the Shady Hills combined cycle facility, by Seminole Electric Cooperative, Inc. and Shady Hills Energy Center, LLC.

DOCKET NO. 20170267-EC

DATED: February 28, 2018

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COMMISSION CLERK

**SEMINOLE ELECTRIC COOPERATIVE'S  
THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Seminole Electric Cooperative, Inc. ("Seminole") pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Third Request for Confidential Classification of certain information provided in its responses to Staff's First Set of Interrogatories (Nos. 1-34) and documents produced in response to Staff's First Request for Production (Nos. 1-19).

1. On January 29, 2018, Seminole responded to Staff's First Set of Interrogatories and First Request for Production of Documents. Certain confidential information (DN 00736-2018) was submitted with a Notice of Intent to Request Confidential Classification (DN 00735-2018) pursuant to Rule 25-22.006, Florida Administrative Code

2. On February 16, 2018, Seminole filed its Second Request for Confidential Classification (DN 01396-2018) seeking confidential classification for this same information (DN 01397-2018).

3. Pursuant to discussions between counsel for Seminole and counsel for Staff, the Commission Clerk returned the confidential documents and information (DN

- COM \_\_\_\_\_
- AFD \_\_\_\_\_
- APA \_\_\_\_\_
- ECO \_\_\_\_\_
- ENG 1 redacted CD
- GCL \_\_\_\_\_
- IDM \_\_\_\_\_
- CLK \_\_\_\_\_

00736-2018 and DN 01397-2018) to Seminole on February 28, 2018. Seminole then filed a Notice of Withdrawal of its Second Request for Confidential Classification on February 28, 2018.

4. Pursuant to the discussions between counsel for Seminole and counsel for Staff, it was determined that Seminole would provide some of the returned documents to Staff without confidential classification, and that Seminole would file a new request for confidential classification for the remaining information and documents.

5. Accordingly, Seminole submits this Third Request for Confidential Classification for certain information and documents provided in response to Staff's First Set of Interrogatories and First Request for Production.

6. The following exhibits are included with this request:

(a) Exhibit A is a package containing redacted versions of the documents for which Seminole requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(b) Exhibit B is a package containing un-redacted copies of the documents for which Seminole seeks confidential treatment. Exhibit B is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the un-redacted version, the information asserted to be confidential is highlighted in yellow.

7. The Responses to Interrogatory Nos. 6, 18, and 33 contain information related to bids or other contractual data related to a Request for Proposal ("RFP") that Seminole issued for generating capacity. The disclosure of this information would

impair the efforts of Seminole to contract for goods or services on favorable terms. *See* Section 366.093(3)(d), F.S. The purpose of Seminole's RFP was to obtain potentially favorable contract terms for alternatives required to meet the reliability needs of Seminole and its Members. Without assurances that the terms of the bids received will not be publicly disclosed, potential bidders might withhold sensitive engineering, construction, cost, or other information necessary for Seminole to understand and assess the costs and benefits of their proposals. Further, without assurances of non-disclosure, potential bidders might choose not to respond to RFPs that Seminole may issue in the future. In either case, Seminole's efforts to contract for goods and services on favorable terms would be impaired by disclosure of the information deemed confidential by bidders. Accordingly, the information identified in Attachment A qualifies for confidential classification under Section 366.093(3)(d), Florida Statutes. Likewise, the information relates to competitive business interests, the disclosure of which would impair the competitive business of the bidders who provided the information to Seminole. As such, the information also qualifies for confidential classification under Section 366.093(3)(e), Florida Statutes.

8. The document titled "CONFIDENTIAL-170266-Staff's 1st POD No. 6-Rate Schedules" contains "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." §366.093(3)(e), Fla. Stat. Specifically, this information is Seminole wholesale pricing data, the release of which could impair Seminole's ability to competitively bid in the wholesale market.



9. The document titled "CONFIDENTIAL-170266-Staff's 1st POD Nos. 11-13-Out of Model" provides data that is confidential for the following reasons:

- a. This document contains end-user data that, if released, could "cause harm to the ratepayers." §366.093(3), Fla. Stat. This data relates to commercial and industrial load profiles, the release of which could harm the competitive interests of these end-users.
- b. This document contains information regarding confidential, ongoing negotiations with third parties regarding changes in transmission service. The disclosure of this information would impair the efforts of Seminole to contract for goods or services on favorable terms because, without assurances that terms under negotiation remain confidential, potential counterparties will be unwilling to enter into negotiations with Seminole. *See* Section 366.093(3)(d), F.S.

10. Accordingly, these categories of data qualify for confidential classification under §366.093(3), Florida Statutes.

11. Attachment 1 to this Request is a matrix identifying specific information within these responses and documents which are considered confidential, along with the specific statutory justification for seeking confidential classification.

12. The information for which Seminole seeks confidential treatment is intended to be and is treated as confidential by Seminole. The information has not been disclosed to the public.

13. Seminole requests that the information identified above be classified as "proprietary confidential business information" within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Seminole Electric Cooperative, Inc. respectfully requests that this Third Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 28th day of February, 2018.

HOPPING GREEN & SAMS, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Third Request for Confidential Classification was served upon the following by hand delivery on this 28th day of February, 2018:

Lee Eng Tan, Esquire  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

/s/ Malcolm N. Means  
Attorney

## ATTACHMENT 1

### JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION

Document	Page(s) or Tab	Column	Lines	Description	Statutory Justification
SECI Response to Interrogatory No. 6	All	N/A	N/A	Identity of counterparty in ongoing negotiation	§366.093(3)(d)(e), Fla. Stat; <i>see also</i> Paragraph 7, above.
SECI Response to Interrogatory No. 18	All	N/A	N/A	Identity of counterparties in ongoing negotiations and contractual terms	§366.093(3)(d)(e), Fla. Stat; <i>see also</i> Paragraph 7, above.
SECI Response to Interrogatory No. 33	All	Proposing Entity	1-4	Identities of bidders who responded to Seminole RFP	§366.093(3)(d)(e), Fla. Stat; <i>see also</i> Paragraph 7, above.
		Resource Type	1-4	Terms of response to RFP	§366.093(3)(d)(e), Fla. Stat; <i>see also</i> Paragraph 7, above.
		Term	1-4	Terms of response to RFP	§366.093(3)(d)(e), Fla. Stat; <i>see also</i> Paragraph 7, above.
		Term (Years)	1-4	Terms of response to RFP	§366.093(3)(d)(e), Fla. Stat; <i>see also</i> Paragraph 7, above.
		MW	1-4	Terms of response to RFP	§366.093(3)(d)(e), Fla. Stat; <i>see also</i> Paragraph 7, above.
		Reason for Offer Removal	1-4	Terms of response to RFP	§366.093(3)(d)(e), Fla. Stat; <i>see also</i> Paragraph 7, above.
CONFIDENTIAL-170266-Staff's 1st POD No. 6-Rate Schedules	All	N/A	N/A	Seminole's Wholesale Rate Schedule	§366.093(3)(e), Fla. Stat.; <i>see also</i> Paragraph 8, above.



Document	Page(s) or Tab	Column	Lines	Description	Statutory Justification
CONFIDENTIAL- 170266-Staff's 1st POD Nos. 11-13- Out of Model	CEC INT-2	LFS17LaFarge kWh	4-625	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 LaFarge SECI Coin kW	4-625	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 HaileMill kW	4-625	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 HaileMill SECI Coin kW	4-625	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
	PRECO INT-1	LFS17 IMC kWh	4-315	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 IMC SECI Coin kW	4-315	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
	SVEC INT-2	LFS17SAC INT2 Mill kWh	4-315	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17SAC INT2 Mill SECI Coin kW	4-315	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
	CFEC IceRiverSprings	LFS17 IceRiverSprings kWh	4-495	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 IceRiverSprings SECI Coin kW	4-495	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
	GEC AirGlades	LFS17AGkWh	4-495	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17AG SECI Coin kW	4-495	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
	GEC SouthernGardens	LFS17 SthrnGardns kWh	4-624	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 SthrnGardns SECI Coin kW	4-624	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
	SECO FCCC Coleman	LFS17 FCCC kWh	4-315	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 FCCC	4-315	End User Load	§366.093(3), Fla.



		SECI Coin kW		Data	Stat.; <i>see also</i> Paragraph 9(a), above.
SVEC Economic Rate		LFS17 SAWMILL kWh	4-495	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 SAWMILL Coop Coin kW	4-495	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
		LFS17 SAWMILL SECI Coin kW	4-495	End User Load Data	§366.093(3), Fla. Stat.; <i>see also</i> Paragraph 9(a), above.
SUPP FL		SpringBank kWh	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		SpringBank Coin kW	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp SECI8 kWh (wSpringbank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp SECI8 Coin kW (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
SUPP SDS		SpringBank kWh	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		SpringBank Coin kW	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp_SECI8 kWh (wSpringbank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp SECI8 Coin kW (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
SUPP FPL Scenario		SpringBank kWh	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		SpringBank Coin KW	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.

		Supp_SECI8 kWh Mild (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp_SECI8 Coin kW Mild (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp_SECI8 kWh Severe (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp_SECI8 Coin kW Severe (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
	SUPP SDS Scenario	SpringBank kWh	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		SpringBank Coin KW	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp_SECI8 kWh Mild (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp_SECI8 Coin kW Mild (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp_SECI8 kWh Severe (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.
		Supp_SECI8 Coin kW Severe (wSpringBank Adjustment)	4-489	Confidential Change in Transmission Service	Section 366.093(3)(d), F.S.; <i>see also</i> Paragraph 9(b), above.