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July 30, 2019

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*(Via Hand Delivery)*

Adam Teitzman  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: Docket 20190019-EG

**REDACTED**

RECEIVED-FPSC  
2019 JUL 30 PM 4:04  
COMMISSION  
CLERK

Dear Mr. Teitzman:

Enclosed for filing in the above docket Orlando Utilities Commission's ("OUC") Third Request for Confidential Classification of Information Provided in Response to Staff's Eleventh Set of Interrogatories (No. 90.a. & 90.b.) The request includes Exhibits A, B(two copies), C, and D.

Exhibit A consists of the confidential information in which all information OUC asserts is entitled to confidential treatment is highlighted. Exhibit B is an edited version of Exhibit A, in which the information OUC asserts is confidential has been redacted. Exhibit C is a justification table in support of OUC's Third Request for Confidential Classification. Exhibit D is the Affidavit in support of OUC's request.

If there are any questions regarding this transmittal, please contact us at (850) 385-0070.

Sincerely,



Robert Scheffel Wright  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission Review of Numeric ) Conservation Goals ) Orlando Utilities Commission ) <hr/>	DOCKET NO. 20190019-EG  Dated: July 30, 2019
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**ORLANDO UTILITIES COMMISSION'S THIRD REQUEST FOR CONFIDENTIAL  
CLASSIFICATION**

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Orlando Utilities Commission ("OUC"), by and through undersigned counsel and, pursuant to Section 366.093, Florida Statutes, ("F.S.") and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain information (the "Confidential Information") provided in its Supplemental Response to the Staff's Eleventh Set of Interrogatories to Orlando Utilities Commission (No. 90), which information is also being provided to the Commission pursuant to Order No. PSC-2019-0062-PCO-EG.

1. The following exhibits are included and made a part of this request:
  - a. Exhibit A is a copy of the Confidential Information on which all information OUC asserts is entitled to confidential treatment is highlighted. The Confidential Information contains pricing information for work performed for OUC by outside consultants.
  - b. Exhibit B is an edited copy of the Confidential Information on which all information that OUC asserts is entitled to confidential treatment is redacted.
  - c. Exhibit C is a table that identifies the specific information for which OUC is requesting confidential classification and the statutory bases for the claim of confidentiality.

d. Exhibit D is the affidavit of Thomas A. Gross in support of the requested classification.

2. 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 a person (ii) because disclosure of the information would cause harm, (iii) to the person’s business operation, and (iv) the information has not been voluntarily disclosed to the public. Additionally, Section 366.093(3)(e), F.S., defines “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information” as proprietary confidential business information, and Section 366.093(3)(a), F.S., specifically includes “trade secrets” within the scope of information to be protected.

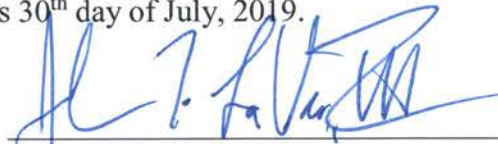
3. OUC is requesting confidential classification of the Confidential Information because the Confidential Information consists of information that could be used to determine competitively sensitive pricing information for OUC’s consultants, the disclosure of which would harm or otherwise adversely impact the competitive business interests of OUC and of OUC’s consultants. The specific bases for OUC’s request for confidential classification are set forth in more detail in Exhibit C hereto. OUC has treated the Confidential Information as confidential and OUC has not voluntarily disclosed the Confidential Information to the public.

4. Upon a finding by the Commission that the material in Exhibit A for which OUC 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 OUC 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, OUC respectfully requests that its Third Request for Confidential Classification be granted.

Respectfully submitted this 30<sup>th</sup> day of July, 2019.



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Attorneys for Orlando Utilities Commission

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 30<sup>th</sup> day of July, 2019, to the following parties.

Ashley Weisenfeld Margo Duval Charles Murphy Rachel Dziechciarz Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:awaisenf@psc.state.fl.us">awaisenf@psc.state.fl.us</a> <a href="mailto:mduval@psc.state.fl.us">mduval@psc.state.fl.us</a> <a href="mailto:cmurphy@psc.state.fl.us">cmurphy@psc.state.fl.us</a> <a href="mailto:rdziechc@psc.state.fl.us">rdziechc@psc.state.fl.us</a>	J.R. Kelly Patricia Christensen Thomas David A. Mireille Fall-Fry Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 <a href="mailto:kelly.jr@leg.state.fl.us">kelly.jr@leg.state.fl.us</a> <a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a> <a href="mailto:david.tad@leg.state.fl.us">david.tad@leg.state.fl.us</a> <a href="mailto:fall-fry.mireille@leg.state.fl.us">fall-fry.mireille@leg.state.fl.us</a>
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**Robert Scheffel Wright**  
Attorney

**Exhibit B**

1 90. Regarding OUC's expenses for participation in the FEECA Goalsetting proceeding, please  
2 answer the following questions.

3 a. What are OUC's actual expenses as of the filing of the rebuttal testimony, in total and by  
4 category (such as consultant fees, legal expenses, and salaries)?

5 **SUPPLEMENTAL RESPONSE:**

6 **As of the filing of OUC's rebuttal testimony, i.e., July 12, 2019, OUC estimates that its total**  
7 **external expenses (i.e., excluding OUC salaries, employee costs, and non-employee**  
8 **expenses) were as follows:**

9 **Total External Expenses:** [REDACTED]

10 **Total Consultant Fees:** [REDACTED]

11 **Legal Expenses (does not include OUC Legal Dep't salaries or costs):** [REDACTED]

12 **OUC does not have the amount of its internal expenses related to Docket No. 20190019-EG,**  
13 **because OUC does not track such costs for individual projects like this.**

14 b. What are OUC's estimated expenses for the full FEECA Goalsetting proceeding, in total  
15 and by category (such as consultant fees, legal expenses, and salaries)?

16 **SUPPLEMENTAL RESPONSE: Estimated total external expenses through conclusion of**  
17 **Docket No. 20190019-EG, which for these purposes is assumed to be the filing of OUC's**  
18 **post-hearing brief on September 20, 2019:**

19 **Total External Expenses:** [REDACTED]

20 **Total Consultant Fees:** [REDACTED]

21 **Legal Expenses (does not include OUC Legal Dep't salaries or costs):** [REDACTED]

22 **As noted above, OUC does not have the amount of internal expenses related to Docket No.**  
23 **20190019-EG. However, a rough and conservative estimate would easily exceed \$100,000.**

**Exhibit C**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission Review of Numeric ) DOCKET NO. 20190019-EG  
Conservation Goals )  
Orlando Utilities Commission ) Dated: July 30, 2019  
\_\_\_\_\_ )

<b><u>Document (File Name)</u></b>	<b><u>Description of Information</u></b>	<b><u>Parts of Line</u></b>	<b><u>Statutory Justification</u></b>
Response to Staff Interrogatory No. 90	Consultant pricing information	Nos. 9, 10, 11, 19, 20, 21	§366.093(3)(a) and (e), Fla. Stat.

**Exhibit D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission Review of Numeric ) DOCKET NO. 20190019-EG  
Conservation Goals )  
Orlando Utilities Commission ) Dated: July 29, 2019  
\_\_\_\_\_ )

**AFFIDAVIT OF THOMAS A. GROSS IN SUPPORT OF ORLANDO UTILITIES  
COMMISSION'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF ORANGE

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

1. My name is Thomas A. Gross. I am over the age of 18 years old and I have been authorized by the Orlando Utilities Commission ("OUC") to give this affidavit in the above-styled proceeding on OUC's behalf and in support of OUC's Third Request for Confidential Classification. I have personal knowledge of the matters stated in this affidavit.

2. I am employed by OUC as Sr. Planning Analyst. My business address is 100 W. Anderson St. Orlando, FL 32801. I am responsible for coordinating OUC's activities in this docket.

3. OUC is seeking confidential classification for certain information provided in its Supplemental response to the Staff's Eleventh Set of Interrogatories to OUC (No. 90), as more specifically identified in Exhibits A and B of OUC's Third Request for Confidential Classification.

4. OUC is requesting confidential classification of this information because it contains pricing information for work performed for OUC by outside consultants, specifically



**Exhibit D**

Nexant, Inc., the Rady law firm and nFront Consulting LLC. Disclosure of this consultant pricing information would impair OUC's ability to contract for such services on favorable terms in the future and would be harmful to the consultants' competitive interests.

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

6. This concludes my affidavit.

Thomas A. Gross

**SWORN TO AND SUBSCRIBED** before me this 29<sup>th</sup> day of July, 2019, by Tom A Gross, who is personally known to me or who has produced Personally Known (type of identification) as identification and who did take an oath.

[Signature]  
Notary Public, State of Florida

My Commission Expires: April 19, 2020

