

**BEFORE THE
NEW JERSEY BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE)	
IMPLEMENTATION)	
OF L. 2018, c. 16 REGARDING THE)	
ESTABLISHMENT OF A ZERO)	Docket No. EO18080899
EMISSION CERTIFICATE PROGRAM)	
FOR ELIGIBLE NUCLEAR POWER)	
PLANTS)	
)	
APPLICATION FOR ZERO EMISSIONS)	
CERTIFICATES OF SALEM 1 NUCLEAR)	Docket No. EO18121338
POWER PLANT)	
)	
APPLICATION FOR ZERO EMISSIONS)	Docket No. EO18121339
CERTIFICATES OF SALEM 2 NUCLEAR)	
POWER PLANT)	
)	

**AFFIDAVIT IN SUPPORT OF REQUEST OF EXELON GENERATION
REGARDING CONFIDENTIAL TREATMENT OF
MATERIALS SUBMITTED IN SUPPORT OF ANNUAL REVENUE REVIEW FOR
SALEM 1 AND SALEM 2 NUCLEAR POWER PLANTS**

AFFIDAVIT OF KEVIN GARRIDO,

I hereby declare under penalty of perjury that:

1. My name is Kevin Garrido. I am of full age. I am Vice President of Finance Nuclear for Exelon Generation Company, LLC (“Exelon Generation” or the “Company”), and I am authorized to make this statement on behalf of Exelon Generation relating to materials submitted by Exelon Generation in response to certain information requested by the New Jersey Board of Public Utilities (“Board”) for its Annual Revenue Review (“ARR”) as set forth in its Order of May 20, 2020 in the above-captioned dockets for the Salem 1 and Salem 2 Nuclear Power Plants (the “plants”).
2. This Affidavit is being provided in this proceeding being conducted under N.J.S.A. 48:3-87.3, et seq., and pursuant to the Board’s rules at N.J.A.C. 14:1-12.1 et seq., the

Nuclear with an unfair competitive advantage over other market competitors. *See In re Flat Glass Antitrust Litig.*, 385 F.3d 350, 369 (3d Cir. 2004) (verdict finding antitrust violation supported by evidence that company provided competitor with pricing information that it had not announced publicly); *In re Ductile Iron Pipe Fittings (DIPF) Direct Purchaser Antitrust Litig.*, 2014 WL 3971620, at *9 (D.N.J. Aug. 13, 2014) (“[P]articipation in information exchanges in highly concentrated markets involving a fungible product with inelastic demand can be indicative of anticompetitive behavior”).

5. Disclosure of the Confidential Information submitted by Exelon Generation in the ARR information responses would be compromising to Exelon Generation in several different ways:

- a. Capacity market information. Disclosing historical or forward-looking cost and revenue information related to the plant would aid competitors in forming an accurate outlook of the capacity prices that the nuclear units would require to remain viable in the markets. Understanding this information, competitors could structure their bids to take advantage of the nuclear units’ costs and expectations, to inform their bids to the benefit of their own unit positions.

Information that should remain confidential related to this subject includes:

- Information related to each unit’s level of market participation; and
- Information related to the historical or future expectations of unit revenues.

- b. Corporate financial information. The Confidential Information includes certain corporate information that if disclosed could impair the


8. Exelon Generation consistently and vigilantly seeks to prevent disclosure of this and related information to others. Exelon Generation will at all times take measures to protect the Confidential Information from public disclosure, such measures including but not limited to asserting claims of confidentiality in all regulatory and public proceedings, such as this case, as they arise.
9. Exelon Generation does not make the Confidential Information routinely available to the general public through any manner, including without limitation, initial and final orders in contested case adjudications, press releases, copies of speeches, pamphlets and educational materials.
10. Exelon Generation has taken all precautions available to it to prevent the public disclosure of the Confidential Information in proceedings before the applicable state utility commissions or other jurisdictional agencies.
11. To the best of Exelon Generation's knowledge, neither the Board, its Custodian, any other State or Federal agency, nor a court of competent jurisdiction, has previously made an adverse determination with respect to the confidentiality of the Confidential Information.
12. Exelon Generation requests that the Board and its Custodian maintain the confidentiality of the Confidential Information for an indefinite period of time, unless and until such time as Exelon Generation consents to its disclosure upon any request made to disclose such information, or as otherwise ordered by law.
13. I am advised by counsel that the Confidential Information is not subject to the New Jersey Open Public Records Act ("OPRA") because the materials relate to the financial condition of the plant and, as such, are addressed under N.J.S.A. 48:3-87.5(a), which

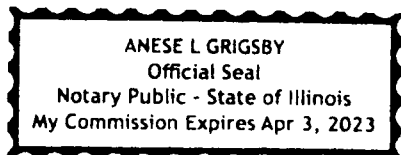
By: 

Kevin Garrido
Vice President Finance Exelon Nuclear
Exelon Generation Company, LLC
Exelon Generation at Cantera
4300 Winfield
Chicago, IL 20004
630-657-3758
kevin.garrido@exeloncorp.com

DuPage County)
)
Illinois) ss:

Subscribed and sworn to before me this 30
day of June, 2021.


Notary Public



By: _____