

R. Wade Litchfield Associate General Counsel Regulatory Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420 (561) 691-7101 (561) 691-7135 (Facsimile)

May 19, 2006

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director Division of the Commission Clerk and Administrative Services Florida Public Service Commission Betty Easley Conference Center, Room 110 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re:

Florida Power & Light Company's Request for Confidential Classification of Certain Material Provided in Connection with the Monthly Fuel Filings Docket No. 060001-EI

Dear Ms. Bayó:

I enclose and hand you herewith for filing in the above-referenced matter, the original and five (5) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C. The five copies include only Attachments B and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing in a separate, sealed folder or carton marked "ATTACHMENT A – CONFIDENTIAL. Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C, in Word. Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,

R Wade Litchfield

RWL/ec Enclosures

cc: Service List (w/out Attachment A)

Doc/423 Fuel Filing/February 2006

DOCUMENT NUMBER - DATE

04417 MAY 198

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)	DOCKET NO. 060001-EI
Cost Recovery Clause and Generating)	
Performance Incentive Factor)	FILED: May 19, 2006
)	

REQUEST FOR CONFIDENTIAL CLASSIFICATION

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission ("FPSC" or "Commission") Forms 423-1(a), 423-2, 423-2(a) and 423-2(b) submitted in Docket No. 060001-EI. In support of its Request, FPL states as follows:

1. Petitioner's principal business address is as follows:

Florida Power & Light Company P.O. Box 029100 Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

William G. Walker, III Vice President Florida Power & Light Company 212 South Monroe Street, Suite 810 Tallahassee, FL 32301-1859 (850) 521-3900 (850) 521-3939 Fax R. Wade Litchfield Associate General Counsel Regulatory Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420 (561) 691-7101 (561) 691-7135 Fax

DOCUMENT NUMBER-DATE

- 2. The following attachments are included herewith and made a part hereof:
 - a. Attachment A includes the complete and unedited version of FPL's February, 2006 Form 423-1(a) and St. Johns River Power Park's (SJRPP) February, 2006 Forms 423-2, 423-2(a) and 423-2(b) which contain certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "CONFIDENTIAL."
 - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been blocked out in Attachment B.
 - c. Attachment C identifies information for which confidential treatment is sought and, with regard to each item or type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.
- 3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines 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 harm of disclosure against the public interest in access to the information.
- 4. The statutory bases and support for FPL's assertion of confidentiality with regard to specific items or types of information are set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified until the end of the minimum protective period allowed for by law, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

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

Respectfully submitted,

R. WADE LITCHFIELD

Associate General Counsel

Attorney for Florida Power & Light Company

700 Universe Boulevard

Juno Beach, Florida 33408-0420

Tel.: (561) 691-7101 Fax: (561) 691-7135

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of Florida Power & Light Company's Request for Confidential Classification, without Attachment A, has been served via first class mail, postage prepaid to the parties listed below, this 19th day of May, 2006:

Wm. Cochran Keating VI, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850

AARP(Twomey) c/o Mike B. Twomey P. O. Box 5256 Tallahassee, FL 32314-5256

Ausley Law Firm Lee L. Willis/James D. Beasley P.O. Box 391 Tallahassee, FL 32302 Beggs & Lane Law Firm J. Stone/R. Badders/S. Griffin P.O. Box 12950 Pensacola, FL 32591-2950

Federal Executive Agencies Lt. Col. K. White/Capt. D. Williams c/o AFLSA/JACL-ULT 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 Florida Industrial Power Users Group (McWhirter)
John W. McWhirter, Jr.
c/o McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33602

McWhirter Law Firm Timothy J. Perry 117 South Gadsden Street Tallahassee, FL 32301 Messer Law Firm Norman H. Horton, Jr. P.O. Box 1876 Tallahassee, FL 32302-1876

Office of Public Counsel P. Christensen/C. Beck/J. McGlothlin c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 Young Law Firm
R. Scheffel Wright/John LaVia
225 South Adams Street, Suite 200
Tallahassee, FL 32301

R. Wade Litchfield

ATTACHMENT "A"

FPL'S FPSC FORM 423-1(a) SJRPP'S FPSC FORMS

423-2

423-2 (a)

423-2 (b)

CONFIDENTIAL FILED UNDER SEPARATE COVER

ATTACHMENT "B"

EDITED VERSION FPL'S FPSC FORM 423-1(a) SJRPP'S FPSC FORMS

423-2

423-2 (a)

423-2 (b)

Page 1 of 1

FPSC FORM NO. 423-1 (a)

1. REPORTING MONTH: FEB YEAR: 2006

2. REPORTING COMPANY: FLORIDA POWER LIGHT COMPANY

MONTHLY REPORT OF COST AND QUALITY OF FUEL OIL FOR ELECTRIC PLANTS **DETAIL OF INVOICE AND TRANSPORTATION CHARGES**

3. NAME, TITLE TELEPHONE NUMBER OF CONTACT PERSON CONCERNING DATA

4. SIGNATURE OF OFFICIAL SUBMITTING REPORT:

5. DATE COMPLETED: 04/14/2006

SIGNATURE OF OFFICIAL SUBMITTING REPORT: AT A SUBMITTED ON THIS FORM: KORY DUBIN, REGULATORY AFFAIRS, (305) 552-4910.

DATE COMPLETED: 04/14/2006

(A) LINE NO.	(B) PLANT	(C) SUPPLIER	(D) DELIVERY LOCATION	(E) DELIVERY DATE	(F) TYPE OIL	(G) VOLUME (BBLS)		(I) INVOICE AMOUNT (\$)	(J) DISCOUNT	(\$)	(L) NET PRICE (\$/BBL)	(M) QUALITY ADJUST. (\$/BBL)	(N) EFFECTIVE PUR PRICE (\$/BBL)	(O) TRANSP TO TERM (\$/BBL)	(P) ADDITIONAL TRANS CHGS (\$/BBL)	(Q) OTHER CHGS (\$/BBL)	(R) DELIVERED PRICE (\$/BBL)
1 PMR		SHELL	PALM BEACH	02/08/2006	F06	87499						:		0.0000	1		49.0349
2 PRV		SHELL	RIVIERA	02/04/2006	F06	134355								0.0000	1		48.7890
3 PRV		SHELL	RIVIERA	02/08/2006	F06	47710								0.0000	ı		48.7890
4 PTF		SEMPRA	FISHER ISLAND	02/06/2006	F06	148842								0.0000	1		52.2429
5 PMR		SHELL	PALM BEACH	02/26/2006	F06	16326								0.0000	•		49.0349
6 PRV		SHELL	RIVIERA	02/26/2006	F06	119619								0.0000)		48.7890
7 PTF		SHELL	FISHER ISLAND	02/23/2006	F06	134969								0.0000)		49.3799
8 PPE		AMERIGAS		02/02/2006	PRO	6	64.6400	388	0	388	64.6400	0.000	64.6400	0.0000	0.0000	0.0000	64.6400
9 PPE		AMERIGAS		02/16/2006	PRO	6	64.6400	388	0	388	64.6400	0.000	64.6400	0.0000	0.0000	0.0000	64.6400
10 PTF		AMERIGAS		02/09/2006	PRO	6	119.2800	716	0	716	119.2800	0.000	119.2800	0.0000	0.0000	0.0000	119.2800
11 PRV		FERRELL		02/03/2006	PRO	4	78.5000	314	0	314	78.5000	0.000	78.5000	0.0000	0.0000	0.0000	78.5000
12 PRV		FERRELL		02/10/2006	PRO	5	81.8600	409	O	409	81.8600	0.000	81.8600	0.0000	0.0000	0.0000	81.8600
13 PRV		FERRELL		02/17/2006	PRO	7	81.8600	573	O	573	81.8600	0.000	0 81.8600	0.0000	0.0000	0.0000	81.8600
14 PRV		FERRELL		02/24/2006	PRO	3	81.8600	246	O	246	81.8600	0.000	0 81.8600	0.0000	0.0000	0.0000	81.8600
15 PRV		FERRELL		02/25/2006	PRO	1	81.8600	82	C	82	81.8600	0.000	0 81.8600	0.0000	0.0000	0.0000	81.8600

FPSC Form No.423-2

MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS ORIGIN, TONNAGE, DELIVERED PRICE AND AS RECEIVED QUALITY

1. Report For Month/Yr:

February 2006

4. Name, Title & Telephone Number of Contact

Person Concerning Data Submitted on this Form: Korel M. Dubin (305-552-4910)

2. Reporting Company:

Florida Power & Light

5. Signature of Official Submitting Report:

Den Brockung

3. Plant Name:

St. Johns River Power Park (SJRPP)

6. Date Completed:

March 9, 2006

						Effective	Total	FOB	As Received Coal Quality				
Line No.	s Supplier Name	Mine Location	Purchase Type	Transpor- tation Mode	Tons	Purchase Price (\$/Ton)	Trans Cost (\$/Ton)	Plant Price (\$/Ton)	Sulfur Content (%)	Btu Content (%)	Ash Content (%)	Moisture Content (%)	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(I)	(m)	
1	Coal Marketing Company	45,IM,999	LTC	ос	41,636			43.55	0.60	11,303	8.44	12.57	
2	DTE Clover, LLC	08,KY,095	LTC	UR	12,330			51.53	1.23	12,249	11.62	6.81	
3	Oxbow Carbon & Minerals Inc.	,TX,	S	ОС	6,849			32.47	6.41	14,106	0.32	6.49	
4	TCP Petcoke Corporation	,IM,	S	ОС	8,908			37.96	4.58	13,616	0.55	10.45	



FPSC Form No.423-2(a)

MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS DETAIL OF INVOICE PURCHASE PRICE

1. Report For Month/Yr: February 2006

4. Name, Title & Telephone Number of Contact Person Concerning Data Submitted on this Form: Korel M. Dubin (305-552-4910)

2. Reporting Company: Florida Power & Light 5. Signature of Official Submitting Report:

3. Plant Name: St. Johns River Power Park (SJRPP) 6. Date Completed: March 9, 2006

Line No.	Supplier Name	Mine Location	Purchase Type	Tons	FOB Mine Price (\$/Ton)	Short Haul & Loadin g Charge	Original Invoice Price (\$/Ton)	Retro- active Price Increases (\$/Ton)	Base Price (\$/Ton)	Quality Adjust- ments (\$/Ton)	Effective Purchase Price (\$/Ton)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(1)
1	Coal Marketing Company	45,IM,999	LTC	41,636		0.00		0.00		0.00	
2	DTE Clover, LLC	08,KY,095	LTC	12,330		0.00		0.00		0.00	
3	Oxbow Carbon & Minerals Inc.	,TX,	S	6,849		0.00		0.00		0.00	
4	TCP Petcoke Corporation	,IM,	S	8,908		0.00		0.00		0.00	



FPSC Form No.423-2(b)

MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS **DETAIL OF TRANSPORTATION CHARGES**

1. Report For Month/Yr: February 2006

4. Name, Title & Telephone Number of Contact

Person Concerning Data Submitted on this Form: Korel M. Dubin (305-552-4910)

2. Reporting Company:

Florida Power & Light

5. Signature of Official Submitting Report:

3. Plant Name:

St. Johns River Power Park (SJRPP)

6. Date Completed:

March 9, 2006

							Short	Rail Cha	rges		Water	borne Ch	arges	I		
Lin No.		Mine Location	Shipping Point	Transpor- tation Mode	Tons	Effective Purchase Price (\$/Ton)		Rail Rate (\$/Ton)	Other Rail Charges (\$/Ton)	River Barge Rate (\$/Ton)	Trans- loading Rate (\$/Ton)	Ocean Barge Rate (\$/Ton)	Other Water Charges (\$/Ton)	Related Charges (\$/Ton)	Total Transport Charges (\$/Ton)	FOB Plant Price (\$/Ton)
(a) (b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(1)	(m)	(n)	(0)	(b)	(q)
1	Coal Marketing Company	45,IM,999	EL CERREJON	ос	41,636		0.00		0.00	0.00	0.00	0.00	0.00	0.00		43.55
2	DTE Clover, LLC	08,KY,095	CLOVER DTE	UR	12,330		0.00		0.00	0.00	0.00	0.00	0.00	0.00		51.53
3	Oxbow Carbon & Minerals Inc	,TX,	VALERO	ос	6,849		0.00		0.00	0.00	0.00	0.00	0.00	0.00		32.47
4	TCP Petcoke Corporation	,IM,	TCP-LAGOVEN	ОС	8,908		0.00		0.00	0.00	0.00	0.00	0.00	0.00		37.96



ATTACHMENT C

Docket No. 060001-EI February 2006

Justification for Confidentiality of February 2006 Report:

FORM	LINE(S)	<u>COLUMN</u>	RATIONALE
423-1(a)	1 – 7	Н	(1)
423-1(a)	1 – 7	I	(2)
423-1(a)	1 – 7	J	(2), (3)
423-1(a)	1 – 7	K	(2)
423-1(a)	1 – 7	L	(2)
423-1(a)	1 – 7	M	(2), (4)
423-1(a)	1 – 7	N	(2), (5)
423-1(a)	1 – 7	P	(6), (7), (8)
423-1(a)	1 – 7	Q	(6), (7), (8)

.....

Rationale for confidentiality:

(1) This information is contractual information which, if made public, "would impair the efforts of [FPL] to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. The information delineates the price per barrel FPL has paid for fuel oil for specific shipments from specific suppliers. This information would allow suppliers to compare an individual supplier's price with the market quote for that date of delivery and thereby determine the contract pricing formula between FPL and that supplier.

Contract pricing formulas generally contain two components, which are: (1) a markup in the market quoted price for that day; and (2) a transportation charge for delivery at an FPL chosen port of delivery. Discounts and quality adjustment components of fuel price contract formulas are discussed in paragraphs 3 and 4. Disclosure of the invoice price would allow suppliers to determine the contract price formula of their competitors. The knowledge of

others' prices (i.e., contract formulas) among fuel oil suppliers is reasonably likely to cause the suppliers to converge on a target price, or to follow a price leader, effectively eliminating any opportunity for a major buyer like FPL to obtain price concessions from any one supplier. The end result is reasonably likely to be increased fuel oil prices and therefore increased electric rates.

- (2) The contract data found in Columns I through N are an algebraic function of Column H. That is, the publication of these Columns together, or independently, could allow a supplier to derive the invoice price of oil.
- (3) If FPL fuel contracts provide for an early payment incentive in the form of a discount from the invoice price, the existence and amount of such discount is confidential for the reasons stated in paragraph (1) relative to price concessions.
- (4) For fuel that does not meet contract requirements, FPL may reject the shipment, or accept the shipment and apply a quality adjustment. This is, in effect, a pricing term which is as important as the price itself and is therefore confidential for the reasons stated in paragraph (1) relative to price concessions.
- (5) Column N is as important as H from a confidentiality standpoint because of the relatively few times that there are quality or discount adjustments. That is, Column N will equal Column H most of the time. Consequently, Column N needs to be protected for the same reasons as set forth in paragraph (1).
- (6) Column R is used to mask the delivered price of fuel such that the invoice or effective price of fuel cannot be determined. Columns P and Q are algebraic variables of Column R. Consequently, disclosure of Columns P and Q would allow a supplier to calculate the invoice or effective purchase price of oil (Columns H and N) by subtracting these columnar variables from Column R.
- (7) Terminaling and transportation services in Florida tend to have the same, if not more severe, oligopolistic attributes of fuel oil suppliers. Due to the small demand in Florida for both of these services, market entry is difficult. In instances in which FPL has attempted to determine the level of interest in bidding either or both of these services, FPL has found only a very few qualified parties with such an interest. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for terminaling and transportation services.

Petroleum inspection services also have the market characteristics of an oligopoly. Due to the limited number of fuel terminal operations, there are correspondingly few requirements for fuel inspection services. In FPL's last bidding process for petroleum inspection services, only six qualified bidders were found for FPL's bid solicitations. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for petroleum inspection services.

Justification for Confidentiality of February 2006 Report:

<u>FORM</u>	<u>LINES</u>	COLUMNS	RATIONALE
423-2	1-4	G, H	(1)
423-2	1-4	Н	(2)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price "would impair the efforts of [JEA, acting on its own behalf and as agent for FPL1 to contract for goods or services [at the St. Johns River Power Park (SJRPP)] on favorable terms." Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information, which is particularly sensitive given SJRPP's reliance on long term contracts with fixed price provisions or short term spot transactions, could adversely affect FPL's interests in subsequent solicitations for coal and/or in negotiating coal supply JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column H by subtracting the effective purchase price from the delivered price at the transfer facility, shown in Column I.
- (2) Disclosure of the total transportation cost "would impair the efforts of IJEA acting on its own behalf and as agent for FPL] to contract for goods or services [at SJRPP] on favorable terms." Section 366.093(3)(d), Fla Stat. Moreover, the service provider itself typically designates the transportation costs in the contract as confidential. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Further, disclosure of this information would enable potential coal suppliers to calculate Column G which FPL seeks to protect by subtracting Column H from Column I.

Justification for Confidentiality of February 2006 Report:

FORM	LINE(S)	<u>COLUMN</u>	RATIONALE
423-2(a)	1-4	F	(1)
423-2(a)	1-4	Н	(1)
423-2(a)	1-4	J	(1)
423-2(a)	1-4	L	(2)

Rationale for Confidentiality:

- (1) The information presented in these columns are algebraic derivations of the information in column L that FPL seeks to protect.
- Obsclosure of the effective purchase price "would impair the efforts of [JEA, acting on its own behalf and as agent for FPL] to contract for goods or services [at the St. Johns River Power Park (SJRPP)] on favorable terms." Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information could adversely affect FPL's interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column H on Form 423-2, which FPL seeks to protect, by subtracting the effective purchase price from the delivered price at the transfer facility shown in Column I on Form 423-2.

Justification for Confidentiality of February 2006 Report:

FORM	LINE(S)	COLUMN	RATIONALE
423-2(b)	1-4	G	(1)
423-2(b)	1-4	I	(2)
423-2(b)	1-4	P	(2)

Rationale for Confidentiality:

(1) Disclosure of the effective purchase price "would impair the efforts of [JEA, acting on its own behalf and as agent for FPL] to contract for goods or services [at the St. Johns River Power Park (SJRPP)] on favorable terms." Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information, which is particularly sensitive given SJRPP's reliance on long term contracts with fixed price provisions or short term spot transactions, could adversely affect FPL's interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column P, which FPL seeks to protect, by subtracting the effective purchase price from the delivered price at the transfer facility shown in Column Q.

Disclosure of the total transportation cost "would impair the efforts of [JEA acting on its own behalf and as agent for FPL] to contract for goods or services [at SJRPP] on favorable terms." Section 366.093(3)(d), Fla Stat. Moreover, the service provider itself typically designates the transportation costs in the contract as confidential. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Further, disclosure of this information would enable potential coal suppliers to calculate Column G which FPL seeks to protect, by subtracting Column P from Column Q.

Date of Declassification:

FORM	LINE(S)	<u>COLUMN</u>
423-1(a)	1	H-N, P & Q
423-1(a)	2	H-N, P & Q
423-1(a)	3	H-N, P & Q
423-1(a)	4	H-N, P & Q
423-1(a)	5	H-N, P & Q
423-1(a)	6	H-N, P & Q
423-1(a)	7	H-N, P & Q
423-2	1 - 4	G, H
423-2(a)	1 – 4	F, H, & J, L
423-2(b)	1 – 4	G, I, P

FPL requests that the confidential information identified above not be disclosed for a period of eighteen (18) months.