

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery
Clause with Generating Performance
Incentive Factor

Docket No. 130001-EI
Dated: November 19, 2013

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 08-221-4-2**

Pursuant to Section 366.093, Florida Statutes (2011) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code (2011) ("Rule 25-22.006"), Florida Power & Light Company ("FPL") requests its first extension of confidential classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 08-221-4-2 ("the Audit"). In support of this request, FPL states as follows:

1. On October 21, 2008 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("October 21, 2008 Request"). By Order No. PSC-12-0248-CFO-EI, dated May 22, 2012 ("Order 0248"), the Commission granted FPL's October 21, 2008 Request. FPL adopts and incorporates by reference the October 21, 2008 Request and Order 0248.

2. The period of confidential treatment granted by Order 0248 will soon expire. The Confidential Information that was the subject of FPL's October 21, 2008 Request and Order 0248 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All of the information designated in Exhibit A, Exhibit B and Exhibit C to the October 21, 2008 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. Included herewith and made a part hereof is First Revised Exhibit D. First Revised Exhibit D contains the affidavit of Gerard J. Yupp in support of this request.

5. FPL submits that the information contained in Exhibit A and referenced in Exhibit B, Exhibit C and First Revised Exhibit D continues to be proprietary confidential business information within the meaning of Section 366.093(3), F.S. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. 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.

6. As the affidavit included in First Revised Exhibit D indicates, the Confidential Information includes contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. Such information is protected by Section 366.093(3)(d).

7. Additionally, certain documents contain information relating to competitive interests, the disclosure of which would impair the competitive interests of FPL and its vendors. Such information is protected by Section 366.093(3)(e).

8. Nothing has changed since the Commission entered Order 0248 to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

9. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat. (2012).

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: /s/ Maria J. Moncada
Maria J. Moncada
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CERTIFICATE OF SERVICE
Docket No. 130001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing First Request for Extension of Confidential Classification(*) has been furnished by electronic delivery this 19th day of November, 2013 to the following:

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By: /s/ Maria J. Moncada
Maria J. Moncada

* The exhibit to this Request is not included with the service copies, but a copy of First Revised Exhibit D is available upon request.

**FIRST REVISED
EXHIBIT D**

FIRST REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchase Power Cost
Recovery Clause with Generating Performance
Incentive Factor

Docket No: 130001-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF GERARD J. YUPP

BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents in Exhibit A, which is referenced and incorporated in FPL's First Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 08-221-4-2 for which I am identified on as the affiant. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data such as pricing and other terms, and vendor and supplier rates regarding fuel procurement, the disclosure of which would impair the efforts of FPL to contract for natural gas and fuel oil on favorable terms for the benefit of its customers, and would impair the competitive interests of FPL and its vendors. Certain of the information would also place FPL at a disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-12-0248-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least an additional eighteen (18) months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Gerard J. Yupp

Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 14 day of November 2013, by Gerard J. Yupp, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Maritza Miranda-Wise

Notary Public, State of Florida

My Commission Expires:

