



Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639 (Telephone)
(561) 691-7135 (Facsimile)
E-mail: maria.moncada@fpl.com

August 30, 2013

VIA HAND DELIVERY

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

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18 AUG 30 PM 2:14
COMMISSION
CLERK

REDACTED

Re: Docket No. 130001-EI

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Florida Power and Light Company's Request for Confidential Classification of certain information contained in Schedule E12 of Appendix V to the prepared testimony of FPL witness Terry J. Keith. The original includes Exhibits A through D. The seven copies do not include copies of the exhibits.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "**EXHIBIT A**"- **CONFIDENTIAL**. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's justification table for its Request for Confidential Classification. Exhibit D contains the affidavit of Gerard Yupp in support of FPL's Request for Confidential Classification. In accordance with Rule 25.22.006(3)(d), FPL requests confidential treatment of information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

Also included herewith is a CD containing FPL's Request for Confidential Classification and Exhibit C in Microsoft Word format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

Maria J. Moncada

COM
AFD 5 tabs
APA
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John T. Butler
Enclosures
cc: parties of record, w/o exhibits
Florida Power & Light Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and purchase power cost recovery
clause with generating performance incentive
factor

Docket No: 130001-EI

Date: August 30, 2013

**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CAPACITY
PAYMENTS TO NON-COGENERATORS IDENTIFIED IN SCHEDULE E12**

Pursuant to Section 366.093 of the Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information contained in Schedule E12 of Appendix V to the prefiled testimony of FPL witness Terry J. Keith (the "Confidential Information"). In support of its Request, FPL states as follows:

1. On August 30, 2013, FPL submitted the prefiled testimony of FPL witness Terry J. Keith in this docket. Schedule E12 of Appendix V to the testimony contains information regarding FPL's capacity payments to specific non-cogenerator counterparties, which is of a confidential nature. This Request seeks confidential classification of the Confidential Information consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of Schedule E12 in which all of the confidential information is highlighted.

b. Exhibit B consists of two copies of the redacted Schedule E12 in which all of the Confidential Information is redacted.

c. Exhibit C is a table that identifies by page, line or column the Confidential Information, together with references to the specific statutory bases for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D is the affidavit of Gerard J. Yupp in support of this request.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (“Section 366.093(3)”). This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

4. FPL seeks confidential protection for the highlighted information contained in Schedule E12, which identifies capacity payments to non-cogenerators. The highlighted information consists of contractual data about FPL’s capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL’s marketing and procurement practices and impair FPL’s ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. The highlighted information also includes data concerning a specific proposed capacity contract. Such information is protected by Section 366.093(3)(d). This information also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity. The disclosure of this information would impair their competitive businesses. Such information is protected by Section 366.093(3)(e).

5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information should not be declassified for at least eighteen (18) months and should be returned to FPL as

soon as the information is no longer necessary for the Commission to conduct its business.

§ 366.093(4), Fla. Stat.

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Information contained in Schedule E12.

Respectfully submitted,
R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Assistant General Counsel – Regulatory
Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135

By: _____



Maria J. Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE
Docket No. 130001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Capacity Payments to Non-Cogenerators Identified in Schedule E12* has been furnished by hand delivery (**) or United States mail this 30th day of August, 2013, to the following:

Martha F. Barrera, Esq.**
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
mbarrera@psc.state.fl.us

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, FL 32591-2950
jas@beggslane.com
rab@beggslane.com

Jon C. Moyle, Esq.
Moyle Law Firm, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301
Counsel for FIPUG
jmoyle@moylelaw.com

John T. Burnett, Esq.
Dianne M. Triplett, Esq.
Attorneys for DEF
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
dianne.triplett@pgnmail.com

J. R. Kelly, Esq.
Patricia Christensen, Esq.
Charles Rehwinkel, Esq.
Joseph A. McGlothlin, Esq.
Erik L. Sayler, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
Kelly.jr@leg.state.fl.us
Christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us
sayler.erik@leg.state.fl.us

Beth Keating, Esq.
Gunster Law Firm
Attorneys for FPUC
215 So. Monroe St., Suite 601
Tallahassee, Florida 32301- 1804
bkeating@gunster.com

Michael Barrett
Division of Economic Regulation
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
mbarrett@psc.state.fl.us

James D. Beasley, Esq
J. Jeffrey Wahlen, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302
jbeasley@ausley.com
jwahlen@ausley.com

James W. Brew, Esq / F. Alvin Taylor, Esq.
Attorney for White Springs
Brickfield, Burchette, Ritts & Stone, P.C
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Gardner, Bist, Wiener, et al
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

By: _____



Maria J. Moncada
Fla. Bar No. 0773301

*Exhibits to this Request are not included with the service copies, but Exhibit B is included with the testimony of Mr. Keith that is being served on all parties, and copies of Exhibits C and D are available upon request.

EXHIBIT A

CONFIDENTIAL

FILED UNDER SEPARATE COVER

REDACTED

EXHIBIT B

REDACTED COPIES

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Florida Power & Light Company												
2	Schedule E12 - Capacity Costs												
3	Page 2 of 2												
4	CONFIDENTIAL REDACTED												
5													
6													
7													
8													
9	2014 Projection												
10	Contract	Counterparty						Identification		Contract Start Date		Contract End Date	
11	1	Southern Company - UPS Scherer						Other Entity		June 1, 2010		December 31, 2015	
12	2	Southern Company - UPS Harris						Other Entity		June 1, 2010		December 31, 2015	
13	3	Southern Company - UPS Franklin						Other Entity		June 1, 2010		December 31, 2015	
14	4	JEA - SJRPP						Other Entity		April 2, 1982		September 30, 2021	
15													
16	2014 Capacity in MW												
17													
18	Contract	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14
19	1	163	163	163	163	163	163	163	163	163	163	163	163
20	2	600	600	600	600	600	600	600	600	600	600	600	600
21	3	190	190	190	190	190	190	190	190	190	190	190	190
22	4	375	375	375	375	375	375	375	375	375	375	375	375
23	Total	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328
24													
25	2014 Capacity in Dollars												
26													
27	Contract	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14
28	1												
29	2												
30	3												
31	4												
32	Total	16,233,478	16,639,803	16,494,020	16,828,377	16,185,974	16,007,436	16,028,756	15,942,337	16,787,414	16,219,696	15,987,456	16,013,616
33													
34	Total Capacity Payments to Non-Cogenerators for 2014						195,368,363						

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Florida Power & Light Company												
2	Schedule E12 - Capacity Costs												
3	Page 2 of 2												
4													
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16	2014 Capacity in MW												
17													
18	Contract	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14
19	1	163	163	163	163	163	163	163	163	163	163	163	163
20	2	600	600	600	600	600	600	600	600	600	600	600	600
21	3	190	190	190	190	190	190	190	190	190	190	190	190
22	4	375	375	375	375	375	375	375	375	375	375	375	375
23	Total	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328
24													
25	2014 Capacity in Dollars												
26													
27	Contract	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14
28	1												
29	2												
30	3												
31	4												
32	Total	16,233,478	16,639,803	16,494,020	16,828,377	16,185,974	16,007,436	16,028,756	15,942,337	16,787,414	16,219,696	15,987,456	16,013,616
33													
34	Total Capacity Payments to Non-Cogenerators for 2014						195,368,363						

REDACTED

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET TITLE: Levelized Fuel Cost Recovery and Capacity Cost Recovery
SUBJECT: Schedule E12 Capacity Payments to Non-Cogenerators
DOCKET NO: 130001-EI
DATE: August 30, 2013

[REDACTED]					
FPL Capacity Payments (2014 Projected) Schedule E 12, Page 2	Y		Cols. B-M, Lines 28-31	(d), (e)	G. J. Yupp

EXHIBIT D

AFFIDAVIT

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

Date: August 30, 2013

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

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 and information included in Exhibit A to FPL's Request for Confidential Classification of Capacity Payments to Non-Cogenerators Identified in Schedule E12. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information comprise information concerning contractual data about FPL's capacity payments to specific counterparties. Disclosure of this contractual information would provide other market participants insight into FPL's marketing and procurement practices and impair FPL's ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. The information contained in Schedule E12 also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they 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.

Handwritten signature of Gerard J. Yupp over a horizontal line.

Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 28th day of August 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.

Handwritten signature of Maritza Miranda-Wise over a horizontal line.

Notary Public, State of Florida

My Commission Expires:

