



David M. Lee
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7263
(561) 691-7135 (Facsimile)
E-mail: david.lee@fpl.com

REDACTED

April 3, 2023

-VIA HAND DELIVERY -

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

Re: Docket No. 20230001-EI

COM _____
AFD 1 Exh B
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
CLK _____

Dear Mr. Teitzman:

Enclosed for filing on behalf of Florida Power & Light Company (“FPL”) is FPL’s Request for Confidential Classification of certain information provided in exhibits to the prepared direct testimonies of FPL witnesses Edward J. Anderson (EJA-2) and Gerard J. Yupp (GJY -1). The request includes Exhibits A through D.

Exhibit A contains the confidential information that is the subject of FPL’s Request for Confidential Classification. Exhibit A is submitted for filing in an envelope 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 is a justification table in support of the Request for Confidential Classification. Exhibit D contains the declaration of Gerard J. Yupp in support of FPL’s Request for Confidential Classification. In accordance with Rule 25-22.006(3)(d), Florida Administrative Code, FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL’s Request for Confidential Classification.

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

Sincerely,

s/ David M. Lee
David M. Lee
Fla. Bar No. 103152

RECEIVED-FPSC
2023 APR -3 AM 11:20
COMMISSION
CLERK

Enclosures

cc: Counsel for Parties of Record (w/ copy of FPL’s Request for Confidential Classification)

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: 20230001-EI

Date: April 3, 2023

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF CERTAIN PORTIONS OF EXHIBITS EJA-2, AND GJY-1**

Pursuant to Section 366.093, Florida Statutes (“Fla. Stat.”), and Rule 25-22.006, Florida Administrative Code (“F.A.C.”), Florida Power & Light Company (“FPL”) requests confidential classification of certain information provided in exhibits to the prepared direct testimonies of FPL witnesses Edward J. Anderson (EJA-2) and Gerard J. Yupp (GJY-1) (the “Confidential Information”). In support of this request, FPL states as follows:

1. On April 3, 2023, FPL submitted in this docket the prepared testimonies and exhibits of FPL witnesses Edward J. Anderson and Gerard J. Yupp, including Exhibits EJA-2 and GJY-1 which contain the Confidential Information. This Request seeks confidential classification of the Confidential Information consistent with Rule 25-22.006, F.A.C.

2. The following exhibits are included with and made a part of this Request:

a. Exhibit A consists of a copy of the confidential material on which all of the information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted. Copies of the redacted exhibits are also included in the filing versions of the prepared testimonies of FPL witnesses Anderson and Yupp.

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 identifies the declarant who supports the requested classification.

d. Exhibit D contains the declaration of Gerard J. Yupp in support of this Request.

3. 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, Fla. Stat., 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. As more fully described in the declaration included in Exhibit D, the documents provided by FPL contain information concerning contractual data. the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. Specifically, the documents contain information related to the pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms for the benefit of its customers. This information is protected by Sections 366.093(3)(d), Fla. Stat.

5. Additionally, the information relates to competitive interests, the disclosure of which of which would impair the competitive businesses of FPL or its vendors. Specifically, the documents contain financial details related to FPL's asset optimization activities for natural gas and electric transmission. This information is protected by Section 366.093(3)(e), Fla. Stat.

6. Upon a finding by the Commission that the Confidential Information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information within Section 366.093(3), Fla. Stat., such information should not be declassified for a period of 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. *See* Section 366.093(4), Fla. Stat.

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

Respectfully submitted,

Maria Jose Moncada
Managing Attorney
David M. Lee
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 304-5795
Fax: (561) 691-7135

By: s/ David M. Lee
David M. Lee
Florida Bar No. 103152

CERTIFICATE OF SERVICE
Docket No. 20230001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification* has been furnished by electronic mail on this 3rd day of April 2023 to the following:

Suzanne Brownless
Ryan Sandy
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us
rsandy@psc.state.fl.us

Dianne M. Triplett
299 First Avenue North
St. Petersburg, Florida 33701
Dianne.triplett@duke-energy.com

Matthew R. Bernier
Stephanie A. Cuello
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
matthew.bernier@duke-energy.com
stephanie.cuello@duke-energy.com
Attorneys for Duke Energy Florida

Robert L. Pickels
Duke Energy Florida
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
robert.pickels@duke-energy.com
FLRegulatoryLegal@duke-energy.com

Robert Scheffel Wright
John Thomas LaVia, III
Gardner, Bist, Bowden, Dee, LaVia,
Wright, Perry & Harper, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlviala@gbwlegal.com
Attorneys for Florida Retail Federation

Mary A. Wessling
Associate Public Counsel
Patricia A. Christensen
Associate Public Counsel
Charles J. Rehwinkel
Deputy Public Counsel
Office of Public Counsel
The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, Florida 32399
wessling.mary@leg.state.fl.us
christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us

J. Jeffrey Wahlen
Malcolm N. Means
Virginia Ponder
Ausley McMullen
123 S. Calhoun Street
Post Office Box 391
Tallahassee, Florida 32302
jwahlen@ausley.com
mmeans@ausley.com
vponder@ausley.com
Attorneys for Tampa Electric Company

Paula K. Brown
Tampa Electric Company
P.O. Box 111
Tampa, Florida 33601-0111
regdept@tecoenergy.com

Mike Cassel
Vice President, Governmental
and Regulatory Affairs
Florida Public Utilities Company
208 Wildlight Avenue
Yulee, Florida 32097
mcassel@fpuc.com

Michelle D. Napier
Director, Regulatory Affairs
Florida Public Utilities Company
1635 Meathe Drive
West Palm Beach, Florida 33411
mnapier@fpuc.com

Peter J. Mattheis
Michael K. Lavanga
Joseph R. Briscar
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007
pjm@smxblaw.com
mkl@smxblaw.com
jrb@smxblaw.com
Attorneys for Nucor Steel Florida, Inc.

Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
mqalls@moylelaw.com
**Attorneys for Florida Industrial Power
Users Group**

Beth Keating
Gunster Law Firm
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301-1804
bkeating@gunster.com
**Attorneys for Florida Public Utilities
Company**

James W. Brew
Laura Wynn Baker
Stone Mattheis Xenopoulos & Brew, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, D.C. 20007
jbrew@smxblaw.com
lwb@smxblaw.com
**Attorneys for White Springs
Agricultural Chemicals, Inc. d/b/a PCS
Phosphate – White Springs**

By: s/ David M. Lee
David M. Lee
Florida Bar No. 103152

* Copies of Exhibits C and D are available upon request.

Docket No. 20230001-EI

EXHIBIT "B"

PORTIONS OF TESTIMONY EXHIBITS

EJA-2 and GJY-1

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Florida Power & Light Company												
2	Schedule A12 - Capacity Costs Payments to Non-cogenerators												
3	Page 2 of 2												
4													
5													
6													
7	For the Month of Dec 2022												
8													
9													
10	<u>Contract</u>	<u>Counterparty</u>							<u>Identification</u>			<u>Contract Start Date</u>	<u>Contract End Date</u>
11	1	Solid Waste Authority - 40 MW							Other Entity			January, 2012	March 31, 2032
12	2	Solid Waste Authority - 70 MW							Other Entity			July, 2015	May 31, 2034
13	3	Constellation Energy Generation, LLC							Other Entity			January 1, 2022	February 28, 2022
14	4	Rainbow Energy Marketing Corporation							Other Entity			January 1, 2022	February 28, 2022
15	5	Central Alabama							Other Entity			November 2, 2009	May 31, 2023
16													
17	<u>2022 Capacity in MW</u>												
18													
19	<u>Contract</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
20	1	40	40	40	40	40	40	40	40	40	40	40	40
21	2	70	70	70	70	70	70	70	70	70	70	70	70
22	3	160	160	-	-	-	-	(320)	-	-	-	-	-
23	4	310	310	-	-	-	-	(620)	-	-	-	-	-
24	5	885	885	885	885	885	885	885	885	885	885	885	885
25	Total	1,465	1,465	965	965	965	965	55	965	965	965	965	965
26													
27	<u>2022 Capacity in Dollars</u>												
28													
29		<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
30	Total	8,439,300	8,439,300	7,629,800	7,629,800	7,629,800	7,676,600	6,051,565	7,676,600	7,676,600	7,676,600	7,676,600	7,676,600
31													
32	Year-to-date Short Term Capacity Payments				91,879,165								
33													
34	(1) Total capacity costs do not include payments for the Solid Waste Authority - 70 MW unit. Capacity costs for this unit were recovered through the Energy Conservation Cost Recovery Clause in 2014, consistent with Commission Order No. PSC-11-0293-FOF-EU issued in Docket No. 110018-EU on July 6, 2011.												
35													
36													
37	<u>Contract</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
38	1												
39	2												
40	3												
41	4												
42	5												
43													
44	<u>True ups</u>												
45	1												
46	2												
47	3												
48	4												
49	5												

	A	B	C	D	E	F	G	H	I	J	K
1	ASSET OPTIMIZATION DETAIL										
2	Actual for the Period of January 2022 through December 2022										
3											
4	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
5		Back to Back	Natural Gas	Natural Gas	Natural Gas	Natural Gas	Natural Gas	Natural Gas	OBA	Solar	Total
6		Power	Delivered City-Gate	Production Area	Capacity Release	Option	Storage	AMA	Service	REC	Asset Optimization
7		Sale	Sales	Sales	Firm Transport	Premiums	Optimization	Gains	Gains	Sales	Gains
8	Month	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
10	January										4,013,563
12	February										11,070,555
14	March										8,843,767
16	April										2,344,422
18	May										1,895,521
20	June										1,437,917
22	July										4,625,550
24	August										3,338,062
26	September										1,742,439
28	October										2,421,037
30	November										2,177,936
32	December										2,759,975
34	Total	216,000	2,600,695	2,267,622	5,062,569	10,020,964	1,546,194	4,889,725	48,000	20,019,578	46,671,347

Docket No. 20230001-EI

EXHIBIT "C"

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor
DOCKET NO: 20230001-EI
DATE: April 3, 2023

Exhibit No.	Description	Pages	Conf Y/N	Column No./Line No.	Florida Statute 366.093 (3) Subsection	Declarant
EJA-2	Schedule A12 - Capacity Costs	1	N Y	Pg. 1 Pg. 2, Cols. B-M, Lns 38-42 and 45-49	(d), (e)	Gerard J. Yupp
GJY-1	Asset Optimization Detail	1	N Y	Pg. 1-2 Pg. 3, Cols. B-J, Lns 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32	(e)	Gerard J. Yupp

Docket No. 20230001-EI

EXHIBIT "D"

DECLARATION

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20230001-EI

DECLARATION OF GERARD J. YUPP

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 written declaration.

2. I have reviewed the exhibits to FPL's Request for Confidential Classification of Information included in the testimony of FPL witness Edward J. Anderson (Exhibit EJA-2) and the testimony of FPL witness Gerard J. Yupp (Exhibit GJY-1). The documents and materials which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the documents contain information related to the pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms for the benefit of its customers. The information provided by FPL also contains information related to the competitive interests of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive businesses of the providers of the information. Additionally, the documents contain financial details related to FPL's asset optimization activities for natural gas and electric transmission. The disclosure of this information would impair FPL's ability to execute transactions for natural gas commodity sales, natural gas storage, natural gas transportation, and electricity transmission on favorable terms for the benefit of its customers. Disclosure also would impair the competitive interests of FPL and its vendors and would place FPL at a competitive disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, the 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. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true to the best of my knowledge and belief.



GERARD J. YUPP

Date: 3/28/23