

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Fuel and purchased power** )  
**cost recovery clause with** )  
**generating performance incentive** )  
**factor.** )  
\_\_\_\_\_ )

**Docket No. 050001-EI**  
**Filed: April 1, 2005**

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF FUEL HEDGING INFORMATION**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on fuel hedging activities and market comparisons that is contained in Document GJY-1 through GJY-6 to the prepared testimony of Gerard Yupp (the "Fuel Hedging Information"). In support of its Request, FPL states as follows:

1. Contemporaneously with this request, FPL is filing Mr. Yupp's prepared testimony, including Documents GJY-1 through GJY-6. This Request is intended to request confidential classification of the Fuel Hedging Information consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of the Documents GJY-1 through GJY-6, in which all of the Fuel Hedging Information has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of two copies of Documents GJY-1 through GJY-6 in which all of the Fuel Hedging Information has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of Fuel Hedging Information, together with references to the specific statutory basis for the claim of confidentiality and to the affidavit in support of the requested classification.

DOCUMENT NUMBER-DATE

03232 APR-13

d. Exhibit D consists of the affidavit of Mr. Yupp, who is the Director of Wholesale Operations in FPL's Energy Marketing and Trading Division. The affidavit attests to the asserted bases for confidential classification.

3. FPL seeks confidential protection for the Fuel Hedging Information because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2003). The Fuel Hedging Information also relates to bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel and electric power on favorable terms. *See* § 366.093(3)(d), Fla. Stat (2003).

4. In Order PSC-04-1008-CFO-EI, the Commission granted, in part, FPL's request for confidential classification of Fuel Hedging Information. The exception pertained specifically to monthly transaction (*i.e.*, gain/loss) totals which were denied confidential classification because the Commission concluded that this data "does not reveal any information regarding contractual data or information concerning individual transactions, trade secrets, marketing or trading practices". FPL respectfully disagrees with this conclusion. In fact, disclosing monthly transaction totals would provide other fuel market participants insight into FPL's trading practices and, specifically, FPL's hedging strategies. FPL believes that the disclosure of monthly transaction totals would allow other participants to approximate FPL's hedge percentages on a month-by-month basis, which in turn would reveal FPL's overall hedging strategy throughout

the year. FPL believes this insight into its hedging practices and strategies would allow other participants to anticipate FPL's marketing and trading decisions and impair FPL's ability to negotiate, to the detriment of customers. For this reason, FPL is requesting that the Commission grant its request for confidential classification of the monthly transaction totals as part of the Fuel Hedging Information. Please note that, consistent with the table of confidentiality rulings contained in Order PSC-04-1008-CFO-EI, FPL is not seeking confidential classification of the yearly aggregate transaction totals. FPL agrees that disclosure of this information does not provide significant insight into FPL's trading practices.

5. FPL submits that the highlighted Fuel Hedging Information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law.

6. The Fuel Hedging Information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

7. Upon a finding by the Commission that the Fuel Hedging Information in Exhibit A 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 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.

**WHEREFORE**, FPL respectfully requests confidential classification of the Fuel Hedging Information.

Respectfully submitted,

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By: Kevin M. Davis for JTB  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**  
**Docket No. 050001-EI**

I certify that a copy of the foregoing Request for Confidential Classification of Fuel Hedging Information (\*) was served by overnight delivery (\*\*) or United States mail on this 31<sup>st</sup> day of March, 2005, to the following persons:

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John T. Butler

\* Due to their volume, the exhibits to the Request are not included with the service copies, but Exhibits B, C and D are available upon request.

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Workpapers  
**DOCKET NO.:** 050001-EI  
**DOCKET TITLE:** Levelized Fuel Cost Recovery and Capacity Cost Recovery  
**SUBJECT:** Fuel Hedging Information  
**DATE:** April 1, 2005

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	1	2004 Totals - FPL Natural Gas Procurement	1	Y	Lines 4-11, Col C-F Line 12, Col C-E Line 14, Col C Line 15, Col C-D	(a), (d)	G. Yupp
GJY-1	2	2004 Totals - FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-11, Col C-F Line 12, Col C-E Line 15, Col C-D	(a), (d)	G. Yupp
GJY-1	3	2004 Totals - Electricity	1	Y	Lines 4-11, Col C-F Line 12, Col C-D Line 14, Col C-D	(a), (d)	G. Yupp
GJY-1	4	January 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	5	January 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	6	January 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	7	February 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	8	February 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	9	February 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	10	March 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	11	March 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	12	March 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	13	April 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	14	April 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	15	April 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	16	May 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	17	May 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	18	May 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	19	June 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	20	June 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	21	June 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	22	July 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp



EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	23	July 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	24	July 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	25	August 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	26	August 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	27	August 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	28	September 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	29	September 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	30	September 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	31	October 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	32	October 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	33	October 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	34	November 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	35	November 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	36	November 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	37	December 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	38	December 2004 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-1	39	December 2004 Electricity	1	Y	Lines 4-12, Col C-F	(a), (d)	G. Yupp
GJY-2	1	2004 Light Fuel Oil Procurement	1	Y	Lines 2-11, Col B-J	(a), (d)	G. Yupp
GJY-3	1	2004 Solid Fuel Activity	1	Y	Lines 9-51, Col F-H	(a), (d)	G. Yupp
GJY-4	1	Evaluation of Petcoke Supply Bids for 2004	1	Y	Lines 2-20, Col A-P	(a), (d)	G. Yupp
GJY-5	1	Miller and Scherer Long Term PRB-RFP Feb-Mar 2004	1	Y	Lines 8-42, Col B-P Lines 45-46, Col B-G	(a), (d)	G. Yupp
GJY-6	1	Plant Scherer Long Term PRB RFP Aug-Sep 2004	1	Y	Lines 6-23, Col B-P Lines 25-26, Col B-J	(a), (d)	G. Yupp

EXHIBIT D

BEFORE THE FLORIDA  
PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power )  
Cost Recovery Clause With )  
Generating Performance Incentive )  
Factor )

Docket No: 050001-E1

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH )

AFFIDAVIT OF GERARD YUPP

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

1. My name is Gerard Yupp. I am currently employed by Florida Power & Light "FPL" as 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. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of this trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. This proprietary confidential business information also relates to bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel and electric power on favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 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.

Gerard J. Yupp  
Signature of Affiant

Gerard J. Yupp  
Print Name

**SWORN TO AND SUBSCRIBED** before me this 30<sup>th</sup> day of March, 2005, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

Marie B. Lopez  
Notary Public, State of Florida

My Commission Expires: 7/17/08

