

ORIGINAL



John T. Butler  
Senior Attorney  
Regulatory  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
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RECEIVED-FPSC  
07 FEB -9 PM 2:10  
COMMISSION  
CLERK

February 9, 2007

**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. 070001-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,

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

John T. Butler

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR 1 \_\_\_\_\_  
GCL 1 \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_

OTH 1 cert records JTB/jsb

Enclosures  
cc: Service List (w/out Attachment A)  
Doc/423 Fuel Filing/November 2006  
an FPL Group company

DOCUMENT NUMBER-LATE  
01367 FEB-96  
FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 070001-EI

FILED: February 9, 2007

**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. 070001-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

John T. Butler  
Senior Attorney  
Regulatory  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 Fax

2. The following attachments are included herewith and made a part hereof:
  - a. Attachment A includes the complete and unedited version of FPL's November, 2006 Form 423-1(a) and St. Johns River Power Park's (SJRPP) November, 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.

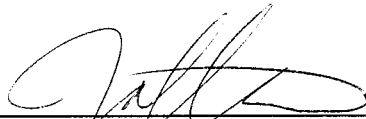
3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential 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,



---

JOHN T. BUTLER  
Senior Attorney  
Attorney for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel.: (561) 304-5639  
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 9<sup>th</sup> day of February, 2007:

Lisa Bennett, Esq.  
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

G. Sasso/J. Walls/D. Triplett  
Carlton Fields Law Firm  
P.O. Box 3239  
Tampa, FL 33601-3239

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

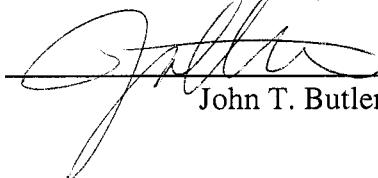
Messer Law Firm  
Norman H. Horton, Jr.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

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

Office of the Attorney General  
B. McCollum/J. Shreve/C. Bradley  
The Capitol – PL01  
Tallahassee, FL 32399

McWhirter Law Firm  
Timothy J. Perry  
117 South Gadsden Street  
Tallahassee, FL 32301

Young Law Firm  
R. Scheffel Wright/John LaVia  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

  
\_\_\_\_\_  
John T. Butler

**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)**

MONTHLY REPORT OF COST AND QUALITY OF FUEL OIL FOR ELECTRIC PLANTS

FPSC FORM NO. 423-1 (a)

DETAIL OF INVOICE AND TRANSPORTATION CHARGES

1. REPORTING MONTH: NOV YEAR: 2006

3. NAME, TITLE, TELEPHONE NUMBER OF CONTACT PERSON CONCERNING DATA  
SUBMITTED ON THIS FORM: KORY DUBIN, REGULATORY AFFAIRS, (305) 552-4910.

2. REPORTING COMPANY: FLORIDA POWER LIGHT COMPANY

4. SIGNATURE OF OFFICIAL SUBMITTING REPORT: 

5. DATE COMPLETED: 01/16/2007



(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)
LINE NO.	PLANT	SUPPLIER	DELIVERY LOCATION	DELIVERY DATE	TYPE OIL	VOLUME (BBL)	INVOICE PRICE (\$/BBL)	INVOICE AMOUNT (\$)	DISCOUNT (\$)	NET AMOUNT (\$)	NET PRICE (\$/BBL)	QUALITY ADJUST. (\$/BBL)	EFFECTIVE PUR PRICE (\$/BBL)	TRANSP TO TERM (\$/BBL)	ADDITIONAL TRANS CHGS (\$/BBL)	OTHER CHGS (\$/BBL)	DELIVERED PRICE (\$/BBL)
1	PMR	CONOCO	PALM BEACH	11/08/2006	F06	115197								0.0000			45.8179
2	PRV	CONOCO	RIVIERA	11/09/2006	F06	106904								0.0000			45.5720
3	PRV	CONOCO	RIVIERA	11/22/2006	F06	108028								0.0000			45.5720
4	PMT	SEMPRA	PORT MANATEE	11/13/2006	F06	147538								0.0000			46.9557
5	PRV	SEMPRA	RIVIERA	11/10/2006	F06	40195								0.0000			46.9020
6	PTF	SEMPRA	FISHER ISLAND	11/08/2006	F06	108141								0.0000			47.4929
7	PTF	SEMPRA	FISHER ISLAND	11/17/2006	F06	127584								0.0000			47.2729
8	PMR	SHELL	PALM BEACH	11/21/2006	F06	133478								0.0000			44.6079
9	PMT	SHELL	PORT MANATEE	11/29/2006	F06	134327								0.0000			44.4057
10	PPE	SHELL	PORT EVERGLADES	11/10/2006	F06	134913								0.0000			44.1142
11	PPE	VITOL	PORT EVERGLADES	11/28/2006	F06	322384								0.0000			42.9442
12	PPE	AMERIGAS		11/30/2006	PRO	2	66.9600	134	0	134	66.9600	0.0000	66.9600	0.0000	0.0000	0.0000	66.9600
13	PPE	AMERIGAS		11/05/2006	PRO	3	64.9700	195	0	195	64.9700	0.0000	64.9700	0.0000	0.0000	0.0000	64.9700
14	PPE	AMERIGAS		11/08/2006	PRO	3	64.9500	195	0	195	64.9500	0.0000	64.9500	0.0000	0.0000	0.0000	64.9500
15	PPE	AMERIGAS		11/13/2006	PRO	3	63.9500	192	0	192	63.9500	0.0000	63.9500	0.0000	0.0000	0.0000	63.9500
16	PPE	AMERIGAS		11/02/2006	PRO	12	64.6500	776	0	776	64.6500	0.0000	64.6500	0.0000	0.0000	0.0000	64.6500
17	PPE	AMERIGAS		11/17/2006	PRO	3	66.0000	198	0	198	66.0000	0.0000	66.0000	0.0000	0.0000	0.0000	66.0000
18	PTF	AMERIGAS		11/16/2006	PRO	6	91.1000	547	0	547	91.1000	0.0000	91.1000	0.0000	0.0000	0.0000	91.1000
19	PRV	FERRELL		11/03/2006	PRO	3	103.6300	311	0	311	103.6300	0.0000	103.6300	0.0000	0.0000	0.0000	103.6300
20	PRV	FERRELL		11/10/2006	PRO	3	103.6300	311	0	311	103.6300	0.0000	103.6300	0.0000	0.0000	0.0000	103.6300
21	PRV	FERRELL		11/17/2006	PRO	5	104.0700	520	0	520	104.0700	0.0000	104.0700	0.0000	0.0000	0.0000	104.0700
22	PRV	FERRELL		11/24/2006	PRO	6	104.3500	626	0	626	104.3500	0.0000	104.3500	0.0000	0.0000	0.0000	104.3500
23	PMR	INDIANTOWN		11/07/2006	PRO	10	65.9400	659	0	659	65.9400	0.0000	65.9400	0.0000	0.0000	0.0000	65.9400
24	PCC	SUBURBAN		11/27/2006	PRO	6	62.5800	375	0	375	62.5800	0.0000	62.5800	0.0000	0.0000	0.0000	62.5800
25	PMT	SUBURBAN		11/17/2006	PRO	5	63.4700	317	0	317	63.4700	0.0000	63.4700	0.0000	0.0000	0.0000	63.4700



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

1. Report For Month/Yr: **November 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: **December 11, 2006**

Line No.	Supplier Name	Mine Location	Purchase Type	Transportation Mode	Tons	Effective Purchase Price (\$/Ton)	Total Trans Cost (\$/Ton)	FOB Plant Price (\$/Ton)	As Received Coal Quality			
									Sulfur Content (%)	Btu Content (%)	Ash Content (%)	Moisture Content (%)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)
1	Coal Marketing Company	45,IM,999	LTC	OC	21,275			48.85	0.58	11,260	8.25	12.82
2	DTE Clover, LLC	08,KY,095	LTC	UR	16,448			53.53	1.67	12,290	10.94	6.85
3	Oxbow Carbon & Minerals Inc.	,TX,	S	OC	7,049			42.82	6.49	13,926	0.73	7.50
4	TCP Petcoke Corporation	,TX,	S	OC	6,646			41.68	2.62	14,245	0.29	8.81

**EDITED COPY**

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

1. Report For Month/Yr: **November 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: **December 11, 2006**

Line No.	Supplier Name	Mine Location	Purchase Type	Tons	FOB Mine Price (\$/Ton)	Short Haul & Loading Charge	Original Invoice Price (\$/Ton)	Retro-active Price Increases (\$/Ton)	Base Price (\$/Ton)	Quality Adjustments (\$/Ton)	Effective Purchase Price (\$/Ton)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
1	Coal Marketing Company	45,IM,999	LTC	21,275		0.00		0.00		0.00	
2	DTE Clover, LLC	08,KY,095	LTC	16,448		0.00		0.00		0.00	
3	Oxbow Carbon & Minerals Inc.	,TX,	S	7,049		0.00		0.00		0.00	
4	TCP Petcoke Corporation	,TX,	S	6,646		0.00		0.00		0.00	

**EDITED COPY**

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

1. Report For Month/Yr: **November 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:

**December 11, 2006**

Line No.	Supplier Name	Mine Location	Shipping Point	Transportation Mode	Tons	Effective Purchase Price (\$/Ton)	Short Haul & Loading Charge (\$/Ton)	Rail Charges		Waterborne Charges					Total Transport Charges (\$/Ton)	FOB Plant 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)		
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
1	Coal Marketing Company	45,IM,999	EL CERREJON	OC	21,275		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		48.85
2	DTE Clover, LLC	08,KY,095	CLOVER DTE	UR	16,448		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		53.53
3	Oxbow Carbon & Minerals Inc	,TX,	VALERO	OC	7,049		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		42.82
4	TCP Petcoke Corporation	,TX,	TCP-DOMESTIC	OC	6,646		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		41.68

**EDITED COPY**

**ATTACHMENT C**

**Docket No. 070001-EI  
November 2006**

**Justification for Confidentiality of November 2006 Report:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-1(a)	1 -11	H	(1)
423-1(a)	1 -11	I	(2)
423-1(a)	1 – 11	J	(2), (3)
423-1(a)	1 – 11	K	(2)
423-1(a)	1 – 11	L	(2)
423-1(a)	1 – 11	M	(2), (4)
423-1(a)	1 – 11	N	(2), (5)
423-1(a)	1 – 11	P	(6), (7), (8)
423-1(a)	1 – 11	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.

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**Justification for Confidentiality of November 2006 Report:**

<u>FORM</u>	<u>LINES</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-4	G, H	(1)
423-2	1-4	H	(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 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 [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 H from Column I.

**Justification for Confidentiality of November 2006 Report:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(a)	1-4	F	(1)
423-2(a)	1-4	H	(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.
- (2) 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 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 November 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.

- (2) 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:**

<b>FORM</b>	<b><u>LINE(S)</u></b>	<b><u>COLUMN</u></b>
423-1(a)	1 - 3	H-N, P & Q
423-1(a)	4 - 7	H-N, P & Q
423-1(a)	8 - 10	H-N, P & Q
423-1(a)	11	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

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



State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** 2.9.07  
**TO:** John T. Butler  
**FROM:** T. Henry, Division of the Commission Clerk &  
Administrative Services  
**RE:** **Acknowledgment of Receipt of Confidential Filing**

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01368-07

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 070001 - E1 or (if filed in an undocketed matter) concerning 423 Forms Nov. 2006, and filed on behalf of FPL/Butler. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

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