

**REDACTED**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

**Docket No. 120001-EI  
Filed: March 1, 2012**

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- claim of confidentiality
- notice of intent
- request for confidentiality
- filed by OPC

**FLORIDA POWER AND LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

For DN 01230-12 which is in locked storage. You must be authorized to view this DN.-CLK

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL"), hereby requests confidential classification of certain information contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness Terry J. Keith, and in support states:

1. On March 1, FPL filed the testimony of FPL witness Terry J. Keith. Schedule A12 of Appendix II to the prepared testimony contains information of a confidential nature. Pursuant to Rule 25-22.006, F.A.C., FPL is filing this Request for Confidential Classification.

2. The following exhibits are included with 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. A copy of this redacted Schedule A12 is included in the bound copy of the prepared testimony of FPL witness Terry J. Keith.

c. Exhibit C is a table containing a column-by-column and line-by-line identification of the information for which confidential treatment is sought and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

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d. Exhibit D is the affidavit of Mr. Gerard J. Yupp in support of this Request for Confidential Classification.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. 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 harm of disclosure against the public interest in access to the information.

4. As the affidavit included as Exhibit D indicates, the information provided by FPL contains 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. § 366.093(3)(d), F.S. Specifically, the information contains 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. Additionally, this information is related to the competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive businesses of the provider of the information. § 366.093(3)(e), F.S.

5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D is proprietary confidential business information, the 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 §. 399.093(4), F.S.

Respectfully submitted this 1<sup>st</sup> of March, 2012

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BY: 

John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 120001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Short Term Capacity Payment Information (\*) has been furnished by hand delivery (\*\*) or United States Mail on this 1<sup>st</sup> day of March, 2012, to the following persons:

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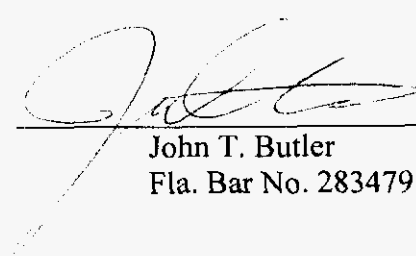
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By: \_\_\_\_\_



John T. Butler  
Fla. Bar No. 283479

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

**EXHIBIT “A”**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

**EXHIBIT “B”**

**EDITED VERSION**





# **EXHIBIT “C”**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Exhibits  
**DOCKET NO.:** 120001-EI  
**DOCKET TITLE:** Levelized Fuel Cost Recovery and Capacity Cost Recovery  
**SUBJECT:** Schedule A12 – Short Term Capacity Payments  
**DATE:** March 1, 2012

<b>Page No.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf Y/N</b>	<b>Line No. Col. No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
Appendix II, Page 7	Schedule A12	1 of 2	N			
Appendix II, Page 8	Schedule A12	2 of 2	Y	Col B – M, Lines 36-40 and 43-47	(d), (e)	G. Yupp

**EXHIBIT "D"**

**AFFIDAVIT**

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power ) DOCKET NO. 120001-EI
Cost Recovery Clause with Generating )
Performance Incentive Factor )

STATE OF FLORIDA )
) AFFIDAVIT OF GERARD J. YUPP
PALM BEACH COUNTY )

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 Exhibits B and C and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information included in Schedule A12 of Appendix II to the prepared testimony of FPL witness Terry J. Keith. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information contain 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 information contains 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. Additionally, the information provided by FPL contains information related to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive businesses of the provider of the information. 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 information should remain confidential for a period of at least eighteen (18) months. In addition, it 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
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 2nd day of February 2012, 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
Notary Public, State of Florida

My Commission Expires: