

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No. 130001-EI
Filed: March 1, 2013

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FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING SCHEDULE A12

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 prefiled testimony of FPL witness Terry J. Keith, and in support states:

1. On March 1, 2013, 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 files this Request for Confidential Classification.

2. The following exhibits are included with this Request:

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

For DN 01067-13, which is in locked storage. You must be authorized to view this DN.-CLK

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.

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 that identifies by line and column the information for which confidential treatment is sought and references the specific statutory

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basis or bases for the claim of confidentiality and the affiant who supports the requested classification.

- 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.

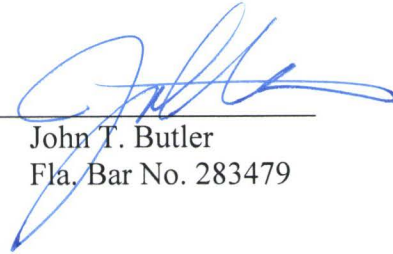
5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D is proprietary confidential business information, the

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 1st of March, 2013

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
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Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: _____



John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 130001-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 1st day of March, 2013, to the following persons:

Martha F. Barrera, Esq.**
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Florida Public Service Commission
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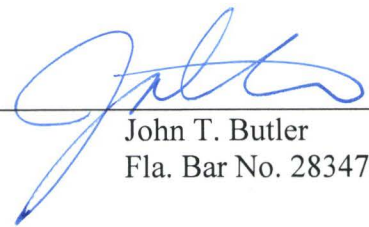
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By: 
John T. Butler
Fla. Bar No. 283479

* 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

REDACTED COPY

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COM _____
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

	A	B	C	D	E	F	G	H	I	J	K	L	M	
1	Florida Power & Light Company													
2	Schedule A12 - Capacity Costs													
3	Page 2 of 2													
4														
5														
6														
7	For the Month of Dec-12													
8														
9														
10	<u>Contract</u>	<u>Counterparty</u>						<u>Identification</u>	<u>Contract Start Date</u>	<u>Contract End Date</u>				
11	1	Cleander Power Project L.P.						Other Entity	June 1, 2002	September 30, 2012				
12	2	Southern Co. - UPS Scherer						Other Entity	June, 2010	December 31, 2015				
13	3	Southern Co. - UPS Harris						Other Entity	June, 2010	December 31, 2015				
14	4	Southern Co. - UPS Franklin						Other Entity	June, 2010	December 31, 2015				
15	5	JEA - SJRPP						Other Entity	April, 1982	September 30, 2021				
16	6	DeSoto						Other Entity	January 1, 2012	December 31, 2012				
17	7	Tampa Electric Company						Other Entity	January 1, 2012	December 31, 2012				
18	8	Seminole Electric Cooperative, Inc.						Other Entity	April 1, 2012	September 30, 2012				
19	9	Other Short Term PPA's						Other Entity	Various	Various				
20														
21	2012 Capacity in MW													
22														
23	<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>	
24	1	155	155	155	155	155	155	155	155	155	-	-	-	
25	2	163	163	163	163	163	163	163	163	163	163	163	163	
26	3	600	600	600	600	600	600	600	600	600	600	600	600	
27	4	190	190	190	190	190	190	190	190	190	190	190	190	
28	5	375	375	375	375	375	375	375	375	375	375	375	375	
29	6	305	305	305	305	305	305	305	305	305	305	305	305	
30	7	75	25	25	125	125	125	125	125	125	125	75	75	
31	8				150	150	150	150	150	150	-			
32	9													
33	Total	1,863	1,813	1,813	2,063	2,063	2,063	2,063	2,063	2,063	1,758	1,708	1,708	
34														
35	2012 Capacity in Dollars													
36														
37		<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	Total	16,212,289	18,528,445	18,373,623	18,718,337	17,649,852	18,338,941	18,371,831	18,772,681	18,163,391	16,789,946	17,450,102	16,961,656	
39														
40	Year-to-date Short Term Capacity Payments				214,331,095									
41														
42														
43	<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>	
44	1													
45	2													
46	3													
47	4													
48	5													
49	6													
50	7													
51	8													
52														
53														
54	True ups													
55	1													
56	2													
57	3													
58	4													
59	5													
60	6													
61	7													
62	8													
63	9													

DOCUMENT NUMBER-DATE
01066 MAR-1 2
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EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET NO.: 130001-EI
DOCKET TITLE: Levelized Fuel Cost Recovery and Capacity Cost Recovery
SUBJECT: Schedule A12 – Short Term Capacity Payments
DATE: March 1, 2013

Page No.	Description	Pages	Conf Y/N	Line No. Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Appendix II, Page 4	Schedule A12	1 of 2	N			
Appendix II, Page 5	Schedule A12	2 of 2	Y	Lines 44-49, 59, Cols. B-M Lines 50-51, Cols. E-M Line 56, Cols. C, F-G Line 58, Col. K Line 60, Cols. D, H Line 61, Col. I Line 63, Col. D	(d), (e)	G. Yupp

EXHIBIT D

AFFIDAVIT

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No. 130001-EI

Filed: March 1, 2013

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

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 Exhibits A, B and C to FPL's Request for Confidential Classification of Information included in Schedule A12 of Appendix II to the prefiled 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.

Signature of Gerard J. Yupp
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 14th day of February 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.

Signature of Maritza Miranda-Wise
Notary Public, State of Florida

My Commission Expires:

