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March 27, 2013

VIA HAND DELIVERY

Ms. Ann Cole, Director
 Division of the Commission Clerk and Administrative Services
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

RECEIVED-FPSC
 13 MAR 27 PM 3:20
 COMMISSION
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claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

Re: Docket No. 130001-EI

Dear Ms. Cole:

For DN 01490-13, which is in locked storage. You must be authorized to view this DN.-CLK

I enclose for filing in the above docket an original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Information Provided in Response to Staff's Second Set of Interrogatories (Nos. 13, 16, 17, 20, 21 and 23) and First Request for Production of Documents (No. 1). The original includes Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. 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 FPL's Request for Confidential Classification. Exhibit D contains one affidavit in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C, in Microsoft Word format.

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

Sincerely,

Maria J. Moncada

COM
 AFD 3 Enclosure

APA _____ ec: Counsel for Parties of Record (w/encl.)

ECO 1

ENG 1

GCL 1

IDM _____

TEL _____

CLK 1 Florida Power & Light Company

DOCUMENT NUMBER-DATE

01489 MAR 27 2013

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 130001-EI

March 27, 2013

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF INFORMATION PROVIDED IN RESPONSE TO STAFF'S
SECOND SET OF INTERROGATORIES (Nos. 13, 16, 17, 20, 21 and 23)
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (No. 1)**

Florida Power & Light Company ("FPL"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests confidential classification of certain information provided in response to Staff's Second Set of Interrogatories (Nos. 13, 16, 17, 20, 21 and 23) and First Request for Production of Documents (No. 1) (the "Confidential Discovery Responses") which were propounded by Staff on February 4, 2013. In support of its request, FPL states as follows:

1. On March 6, 2013, FPL filed a Notice of Intent to Request Confidential Classification regarding its response to Staff's Second Set of Interrogatories (Nos. 13, 16, 17, 20, 21 and 23) and First Request for Production of Documents (No. 1). Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Accordingly, FPL files this Request for Confidential Classification to maintain continued confidential handling of the information contained in its response to Staff's Second Set of Interrogatories (Nos. 13, 16, 17, 20, 21 and 23) and First Request for Production of Documents (No. 1) filed with the Notice of Intent.

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

a. Exhibit A consists of a copy of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment has been highlighted, exclusive of FPL's response to Interrogatory No. 17, which was previously provided in disc format with the Notice

DOCUMENT NUMBER-DATE

01489 MAR 27 2013

FPSC-COMMISSION CLERK

of Intent filed March 6, 2013. FPL's response to Interrogatory No. 17 consists of a large Microsoft Excel file with thousands of rows that is not usable in print format. Therefore, it is not reproduced here. FPL relies on the disc previously filed.

b. Exhibit B consists of an edited version of Exhibit A, on which all information that FPL asserts is entitled to confidential treatment has been redacted. Where entire pages of a Confidential Discovery Response are confidential, FPL has included only identifying cover pages in Exhibit B, as no purpose would be served by reproducing a full redacted version of those documents.

c. Exhibit C is a table that identifies the specific line and page references to the confidential materials for which FPL seeks confidential treatment. The table also references the specific statutory bases for the claim of confidentiality and the affiant who supports the requested classification.

d. Exhibit D consists of the affidavit of Gerard J. Yupp.

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 in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., such information is entitled to confidential treatment and is 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 the affidavit included in Exhibit D indicates, the information provided by FPL concerns bids and other contractual data, which is protected under Section 366.093(3)(d), F.S.

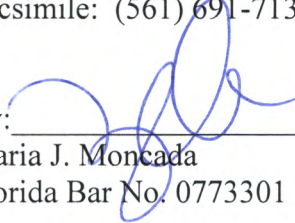
Specifically, the documents contain information regarding FPL's natural gas and coal suppliers, including purchase volumes, quality, pricing, and delivery methods. Additionally, this information relates to competitive interests of FPL and of suppliers from whom FPL purchases fossil fuels. Public disclosure of this information would impair the efforts of FPL to contract for these goods and services on favorable terms and would also place FPL at a competitive disadvantage when coupled with other information that is publicly available. This information is protected under Section 366.093(3)(e).

5. Upon a finding by the Commission that the information contained in the Confidential Discovery Responses is proprietary confidential business information within the meaning of Section 366.093(3), F.S., 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. Section 366.093(4), F.S.

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Discovery Responses described herein.

Respectfully submitted,

John T. Butler, Esq.
Assistant General Counsel-Regulatory
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Facsimile: (561) 691-7135

By: 

Maria J. Moncada
Florida Bar No. 0773301

CERTIFICATE OF SERVICE

Docket No. 130001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Information Provided in Response to Staff's Second Set of Interrogatories (Nos. 13, 16, 17, 20, 21 and 23) and First Request for Production of Documents (No. 1)(*) has been furnished by hand delivery(**) or United States mail this 27th day of March, 2013 to the following:

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By: _____


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* 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