

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

Date: April 30, 2015

**FLORIDA POWER & LIGHT COMPANY'S AMENDED<sup>1</sup>  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN  
RESPONSES TO STAFF'S AND OFFICE OF PUBLIC COUNSEL'S FIRST  
SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of its response to the Staff of the Florida Public Service Commission's ("Staff") First Set of Interrogatories (Nos. 1, 2 and 19) and First Request for Production of Documents (Nos. 3 and 4), and Office of Public Counsel's ("OPC") First Set of Interrogatories (No. 4) and First Request for Production of Documents (Nos. 2, 4, 5 and 10). In support of its request, FPL states:

1. On April 27, 2015, FPL filed its response to Staff's First Set of Interrogatories and First Request for Production of Documents, and to OPC's First Set of Interrogatories and First Request for Production of Documents. FPL's responses to Staff's First Set of Interrogatories (Nos. 1, 2 and 19) and First Request for Production of Documents (Nos. 3 and 4), and OPC's First Set of Interrogatories (No. 4) and First Request for Production of Documents (Nos. 2, 4, 5 and 10). contain information of a confidential nature, which is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (hereinafter referred to as (the "Confidential Discovery Responses").

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<sup>1</sup> Florida Power & Light Company originally filed a Request for Confidential Classification [Document Nos. 02344-15 and 02345-15] on April 27, 2015. FPL files this Amended Request to correct references to the particular discovery responses that designated as confidential. No changes are being made to Exhibits A, B, C or D.

2. FPL files this request contemporaneously with the service of its responses to Staff's and OPC's First Set of Interrogatories and First Request for Production, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. 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 is highlighted.

b. Exhibit B consists of an edited version of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment is redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D consists of the affidavits Thomas L. Hartman, Melissa Linton and William Lavarco.

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

5. As the affidavits included in Exhibit D indicates, some of the Confidential Discovery Responses provided by FPL contains information related to contractual data, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. Additionally, some of the Confidential Discovery Responses consist of or address information and documents provided by CBAS Power Holdings, LLC or its affiliates, which FPL is contractually obligated to treat confidentially. This information is protected by Section 366.093(3)(d), Fla. Stat.

6. Other Confidential Discovery Responses also consist of competitive interests, the disclosure of which would impair the competitive business of FPL or its suppliers. This information is protected by Section 366.093(3)(e), Fla. Stat.

7. Finally, certain Confidential Discovery Responses are comprised of a Hart-Scott-Rodino filing that FPL made with the Federal Trade Commission and the Antitrust Division of the Department of Justice. Pursuant to Federal law, HSR filings may not be made public and are exempt from disclosure under the Freedom of Information Act. 15 U.S.C. § 18a(h) (2014).

8. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company

respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

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By:           s/ Maria J. Moncada            
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**CERTIFICATE OF SERVICE**  
**Docket No. 150075-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Amended Request for Confidential Classification\* has been furnished by electronic mail on this 30th day of April, 2015 to the following:

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By: /s/ Maria J. Moncada  
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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.