

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 070001-EI
Filed : April 2, 2007

FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FUEL HEDGING INFORMATION

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on fuel hedging activities and market comparisons that is contained in Exhibit GJY-1 to the prepared testimony of Gerard Yupp (the "Fuel Hedging Information"). In support of its Request, FPL states as follows:

1. Contemporaneously with this request, FPL is filing Mr. Yupp's prepared testimony, including Exhibit GJY-1. This Request is intended to request confidential classification of the Fuel Hedging Information consistent with Rule 25-22.006.

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2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of Exhibit GJY-1, in which all of the Fuel Hedging Information has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of two copies of Exhibit GJY-1 in which all of the Fuel Hedging Information has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of Fuel Hedging Information, together with references to the specific statutory

cow records

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basis for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D consists of the affidavit of Mr. Yupp, who is the Director of Wholesale Operations in FPL's Energy Marketing and Trading Division. The affidavit attests to the asserted bases for confidential classification.

3. FPL seeks confidential protection for the Fuel Hedging Information because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2005).

4. FPL submits that the highlighted Fuel Hedging Information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law.

5. The Fuel Hedging Information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the Fuel Hedging Information in Exhibit A 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 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.

**WHEREFORE**, FPL respectfully requests confidential classification of the Fuel Hedging Information.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Associate General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
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. 070001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Fuel Hedging Information (\*) has been furnished by overnight delivery (\*\*) or United States Mail on this 30<sup>th</sup> day of March 2007, to the following:

Lisa Bennett, Esq. \*\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

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c/o The Florida Legislature  
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By:   
John T. Butler

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Attorneys for PCS Phosphate  
1025 Thomas Jefferson Street, NW,  
Eighth Floor, West Tower  
Washington, DC 20007-5201

\* Due to their volume, the exhibits to this Request are not included with the service copies, but a redacted version of Exhibit GJY-1 (Exhibit B) is included with the testimony of Mr. Yupp that is being served on all parties, and copies of Exhibits C and D are available upon request.

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 070001-EI  
**DOCKET TITLE:** Fuel and Purchased Power Cost Recovery Clause  
**SUBJECT:** Fuel Hedging Information  
**DATE:** April 2, 2007

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	1	2006 Total - FPL Natural Gas Procurement	1	Y	Lines 4-11, Col C-F Line 12, Col C-E Line 15, Col C-D	(a)	G. Yupp
GJY-1	2	2006 Total - FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-11, Col C-F Line 12, Col C-E Line 15, Col C-D	(a)	G. Yupp
GJY-1	3	2006 Total - Electricity	1	Y	Lines 4-11, Col C-F Line 12, Col C-D Line 14, Col C-D	(a)	G. Yupp
GJY-1	4	January 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	5	January 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	6	January 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	7	February 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	8	February 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	9	February 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	10	March 2006 FPL	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
		Natural Gas Procurement					
GJY-1	11	March 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	12	March 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	13	April 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	14	April 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	15	April 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	16	May 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	17	May 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	18	May 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	19	June 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	20	June 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	21	June 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	22	July 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	23	July 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	24	July 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	25	August 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	26	August 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	27	August 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	28	September 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	29	September 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	30	September 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	31	October 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	32	October 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	33	October 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	34	November 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	35	November 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	36	November 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	37	December 2006 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	38	December 2006 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	39	December 2006 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp



EXHIBIT D

BEFORE THE FLORIDA  
PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost )  
Recovery Clause with Generating )  
Performance Incentive Factor )

Docket No. 070001-EI

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH )

AFFIDAVIT OF GERARD J. YUPP

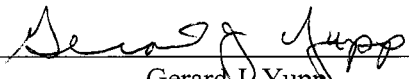
BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

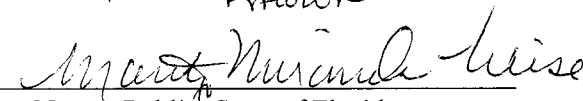
2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of Fuel Hedging Information. The documents and material in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of this trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or Impair FPL's ability to negotiate, to the detriment of FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they 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

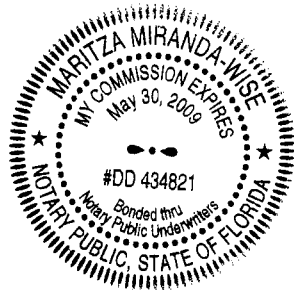
4. Affiant says nothing further.

  
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 21st day of March 2007, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

  
Notary Public, State of Florida

My Commission Expires:



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:** 4.2.07  
**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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02829-07

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 070001-E1 or (if filed in an undocketed matter) concerning Exhibit GUY-1, and filed on behalf of FP & L / 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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