



ORIGINAL

John T. Butler
Senior Attorney
Regulatory
Florida Power & Light Company
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Juno Beach, FL 33408-0420
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May 11, 2007

VIA HAND DELIVERY

Ms. Ann Cole, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center, Room 110
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Florida Power & Light Company's Request for Confidential Classification of
Certain Material Provided in Connection with the Monthly Fuel Filings
Docket No. 070001-EI

Dear Ms. Cole:

I enclose and hand you herewith for filing in the above-referenced matter, the original and five
(5) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The
original includes Attachments A, B, and C. The five copies include only Attachments B and C.

Attachment A contains the confidential information that is the subject of FPL's Request for
Confidential Classification. Attachment A is submitted for filing in a separate, sealed folder or carton
marked "ATTACHMENT A - CONFIDENTIAL. Attachment B is an edited version of Attachment A,
in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's
justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information
in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential
Classification and Attachment C, in Word. Please contact me should you or your Staff have any
questions regarding this filing.

- CMP
COM
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RECEIVED & FILED

Sincerely,

FPSC-BUREAU OF RECORDS

Handwritten signature of John T. Butler

John T. Butler

ICent records
JTB/jsb

Enclosures
cc: Service List (w/out Attachment A)

DOCUMENT NUMBER-DATE
03956 MAY 11 07
FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)
_____)

DOCKET NO. 070001-EI

FILED: May 11, 2007

REQUEST FOR CONFIDENTIAL CLASSIFICATION

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission ("FPSC" or "Commission") Forms 423-1(a), 423-2, 423-2(a) and 423-2(b) submitted in Docket No. 070001-EI. In support of its Request, FPL states as follows:

- 1. Petitioner's principal business address is as follows:

Florida Power & Light Company
P.O. Box 029100
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

William G. Walker, III
Vice President
Florida Power & Light Company
212 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859
(850) 521-3900
(850) 521-3939 Fax

John T. Butler
Senior Attorney
Regulatory
Florida Power & Light Company
700 Universe Boulevard
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(561) 691-7135 Fax

DOCUMENT NUMBER-DATE

03956 MAY 11 07

FPSC-COMMISSION CLERK

2. The following attachments are included herewith and made a part hereof:
 - a. Attachment A includes the complete and unedited version of FPL's February, 2007 Form 423-1(a) and St. Johns River Power Park's (SJRPP) February, 2007 Forms 423-2, 423-2(a) and 423-2(b) which contain certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "**CONFIDENTIAL.**"
 - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been blocked out in Attachment B.
 - c. Attachment C identifies information for which confidential treatment is sought and, with regard to each item or type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.
3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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. The statutory bases and support for FPL's assertion of confidentiality with regard to specific items or types of information are set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment 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 eighteen (18) months, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,



JOHN T. BUTLER
Senior Attorney
Attorney for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Tel.: (561) 304-5639
Fax: (561) 691-7135

CERTIFICATE OF SERVICE

I, **THE UNDERSIGNED COUNSEL**, **HEREBY CERTIFY** that a copy of Florida Power & Light Company's Request for Confidential Classification, without Attachment A, has been served via first class mail, postage prepaid to the parties listed below, this 11th day of May, 2007:

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

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John W. McWhirter, Jr., Esq.
McWhirter Reeves
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
117 South Gadsden Street
Tampa, Florida 33602

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

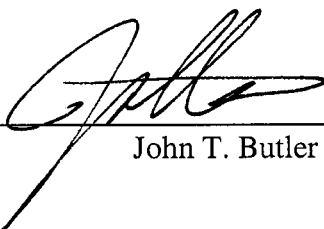
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Attorney for AARP
Post Office Box 5256
Tallahassee, Florida 32314-5256



John T. Butler

ATTACHMENT “B”

**EDITED VERSION
FPL’S FPSC FORM 423-1(a)
SJRPP’S FPSC FORMS
423-2
423-2 (a)
423-2 (b)**

MONTHLY REPORT OF COST AND QUALITY OF FUEL OIL FOR ELECTRIC PLANTS
 DETAIL OF INVOICE AND TRANSPORTATION CHARGES

FPSC FORM NO. 423-1 (a)

1. REPORTING MONTH: FEB YEAR: 2007

2. REPORTING COMPANY: FLORIDA POWER LIGHT COMPANY

3. NAME, TITLE TELEPHONE NUMBER OF CONTACT PERSON CONCERNING DATA
 SUBMITTED ON THIS FORM: KORY DUBIN, REGULATORY AFFAIRS, (305) 552-4910.

4. SIGNATURE OF OFFICIAL SUBMITTING REPORT: 

5. DATE COMPLETED: 04/10/2007

EDITED COPY

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)
LINE NO.	PLANT	SUPPLIER	DELIVERY LOCATION	DELIVERY DATE	TYPE OIL	VOLUME (BBL)	INVOICE PRICE (\$/BBL)	INVOICE AMOUNT (\$)	DISCOUNT (\$)	NET AMOUNT (\$)	NET PRICE (\$/BBL)	QUALITY ADJUST. (\$/BBL)	EFFECTIVE PUR PRICE (\$/BBL)	TRANSP TO TERM (\$/BBL)	ADDITIONAL TRANS CHGS (\$/BBL)	OTHER CHGS (\$/BBL)	DELIVERED PRICE (\$/BBL)
1	PRV	CONOCO	RIVIERA	02/08/2007	F06	74376								0.0000			43.0920
2	PRV	CONOCO	RIVIERA	02/21/2007	F06	75156								0.0000			43.0920
3	PTF	CONOCO	FISHER ISLAND	02/07/2007	F06	41788								0.0000			43.6829
4	PTF	CONOCO	FISHER ISLAND	02/18/2007	F06	39192								0.0000			43.6829
5	PCC	SEMPRA	PORT CANAVERAL	02/23/2007	F06	147701								0.0000			44.2145
6	TP5	PORT		02/25/2007	F03	29952								0.0000			82.4100
7	TP5	PORT		02/28/2007	F03	4777								0.0000			82.4100
8	PPE	AMERIGAS		02/15/2007	PRO	11	93.8600	1,032	0	1,032	93.8600	0.0000	93.8600	0.0000	0.0000	0.0000	93.8600
9	PPE	AMERIGAS		02/23/2007	PRO	4	95.1300	381	0	381	95.1300	0.0000	95.1300	0.0000	0.0000	0.0000	95.1300
10	PTF	AMERIGAS		02/23/2007	PRO	7	90.7200	635	0	635	90.7200	0.0000	90.7200	0.0000	0.0000	0.0000	90.7200
11	PRV	FERRELL		02/02/2007	PRO	5	109.4000	547	0	547	109.4000	0.0000	109.4000	0.0000	0.0000	0.0000	109.4000
12	PRV	FERRELL		02/12/2007	PRO	7	111.3600	780	0	780	111.3600	0.0000	111.3600	0.0000	0.0000	0.0000	111.3600
13	PRV	FERRELL		02/16/2007	PRO	2	111.6800	223	0	223	111.6800	0.0000	111.6800	0.0000	0.0000	0.0000	111.6800
14	PRV	FERRELL		02/23/2007	PRO	5	110.6400	553	0	553	110.6400	0.0000	110.6400	0.0000	0.0000	0.0000	110.6400
15	PMT	SUBURBAN		02/13/2007	PRO	3	63.4400	190	0	190	63.4400	0.0000	63.4400	0.0000	0.0000	0.0000	63.4400

**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
ORIGIN, TONNAGE, DELIVERED PRICE AND AS RECEIVED QUALITY**

1. Report For Month/Yr: **February 2007**

4. Name, Title & Telephone Number of Contact
Person Concerning Data Submitted on this Form: **Korel M. Dubin (305-552-4910)**

2. Reporting Company: **Florida Power & Light**

5. Signature of Official Submitting Report:



3. Plant Name: **St. Johns River Power Park (SJRPP)**

6. Date Completed: **March 6, 2007**

Line No.	Supplier Name	Mine Location	Purchase Type	Transportation Mode	Tons	Effective Purchase Price (\$/Ton)	Total Trans Cost (\$/Ton)	FOB Plant Price (\$/Ton)	As Received Coal Quality			
									Sulfur Content (%)	Btu Content (%)	Ash Content (%)	Moisture Content (%)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)
1	Coal Marketing Company	45,IM,999	LTC	OC	42,983			50.79	0.60	11,392	8.34	12.34
2	DTE Clover, LLC	08,KY,095	LTC	UR	16,369			55.36	1.26	12,561	9.36	6.91
3	ICG	08,KY,193	S	UR	8,250			54.78	2.62	12,232	12.10	5.78

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**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
DETAIL OF INVOICE PURCHASE PRICE**

1. Report For Month/Yr: **February 2007**

4. Name, Title & Telephone Number of Contact
Person Concerning Data Submitted on this Form: **Korel M. Dubin (305-552-4910)**

2. Reporting Company: **Florida Power & Light**

5. Signature of Official Submitting Report:



3. Plant Name: **St. Johns River Power Park (SJRPP)**

6. Date Completed: **March 6, 2007**

Line No.	Supplier Name	Mine Location	Purchase Type	Tons	FOB Mine Price (\$/Ton)	Short Haul & Loading Charge	Original Invoice Price (\$/Ton)	Retro-active Price Increases (\$/Ton)	Base Price (\$/Ton)	Quality Adjustments (\$/Ton)	Effective Purchase Price (\$/Ton)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
1	Coal Marketing Company	45,IM,999	LTC	42,983		0.00		0.00		0.00	
2	DTE Clover, LLC	08,KY,095	LTC	16,369		0.00		0.00		0.00	
3	ICG	08,KY,193	S	8,250		0.00		0.00		0.00	

EDITED COPY

**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
DETAIL OF TRANSPORTATION CHARGES**

1. Report For Month/Yr: **February 2007**

4. Name, Title & Telephone Number of Contact

Person Concerning Data Submitted on this Form: **Korel M. Dubin (305-552-4910)**

2. Reporting Company: **Florida Power & Light**

5. Signature of Official Submitting Report:



3. Plant Name: **St. Johns River Power Park (SJRPP)**

6. Date Completed:

March 6, 2007

Line No.	Supplier Name	Mine Location	Shipping Point	Transportation Mode	Tons	Effective Purchase Price (\$/Ton)	Short Haul & Loading Charge (\$/Ton)	Rail Charges		Waterborne Charges				Total Transport Charges (\$/Ton)	FOB Plant Price (\$/Ton)	
								Rail Rate (\$/Ton)	Other Rail Charges (\$/Ton)	River Barge Rate (\$/Ton)	Trans-loading Rate (\$/Ton)	Ocean Barge Rate (\$/Ton)	Other Water Charges (\$/Ton)			Related Charges (\$/Ton)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
1	Coal Marketing Company	45,IM,999	EL CERREJON	OC	42,983		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		50.79
2	DTE Clover, LLC	08,KY,095	CLOVER DTE	UR	16,369		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		55.36
3	ICG	08,KY,193	ICG HAZARD	UR	8,250		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		54.78

EDITED COPY

ATTACHMENT C

**Docket No. 070001-EI
February, 2007**

Justification for Confidentiality of February 2007 Report:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-1(a)	1 -7	H	(1)
423-1(a)	1 -7	I	(2)
423-1(a)	1 - 7	J	(2), (3)
423-1(a)	1 - 7	K	(2)
423-1(a)	1 - 7	L	(2)
423-1(a)	1 - 7	M	(2), (4)
423-1(a)	1 - 7	N	(2), (5)
423-1(a)	1 - 7	P	(6), (7), (8)
423-1(a)	1 - 7	Q	(6), (7), (8)

Rationale for confidentiality:

- (1) This information is contractual information which, if made public, “would impair the efforts of [FPL] to contract for goods or services on favorable terms.” Section 366.093(3)(d), Fla. Stat. The information delineates the price per barrel FPL has paid for fuel oil for specific shipments from specific suppliers. This information would allow suppliers to compare an individual supplier’s price with the market quote for that date of delivery and thereby determine the contract pricing formula between FPL and that supplier.

Contract pricing formulas generally contain two components, which are: (1) a markup in the market quoted price for that day; and (2) a transportation charge for delivery at an FPL chosen port of delivery. Discounts and quality adjustment components of fuel price contract formulas are discussed in paragraphs 3 and 4. Disclosure of the invoice price would allow suppliers to determine the contract price formula of their competitors. The knowledge of

others' prices (*i.e.*, contract formulas) among fuel oil suppliers is reasonably likely to cause the suppliers to converge on a target price, or to follow a price leader, effectively eliminating any opportunity for a major buyer like FPL to obtain price concessions from any one supplier. The end result is reasonably likely to be increased fuel oil prices and therefore increased electric rates.

- (2) The contract data found in Columns I through N are an algebraic function of Column H. That is, the publication of these Columns together, or independently, could allow a supplier to derive the invoice price of oil.
- (3) If FPL fuel contracts provide for an early payment incentive in the form of a discount from the invoice price, the existence and amount of such discount is confidential for the reasons stated in paragraph (1) relative to price concessions.
- (4) For fuel that does not meet contract requirements, FPL may reject the shipment, or accept the shipment and apply a quality adjustment. This is, in effect, a pricing term which is as important as the price itself and is therefore confidential for the reasons stated in paragraph (1) relative to price concessions.
- (5) Column N is as important as H from a confidentiality standpoint because of the relatively few times that there are quality or discount adjustments. That is, Column N will equal Column H most of the time. Consequently, Column N needs to be protected for the same reasons as set forth in paragraph (1).
- (6) Column R is used to mask the delivered price of fuel such that the invoice or effective price of fuel cannot be determined. Columns P and Q are algebraic variables of Column R. Consequently, disclosure of Columns P and Q would allow a supplier to calculate the invoice or effective purchase price of oil (Columns H and N) by subtracting these columnar variables from Column R.
- (7) Terminaling and transportation services in Florida tend to have the same, if not more severe, oligopolistic attributes of fuel oil suppliers. Due to the small demand in Florida for both of these services, market entry is difficult. In instances in which FPL has attempted to determine the level of interest in bidding either or both of these services, FPL has found only a very few qualified parties with such an interest. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for terminaling and transportation services.

Petroleum inspection services also have the market characteristics of an oligopoly. Due to the limited number of fuel terminal operations, there are correspondingly few requirements for fuel inspection services. In FPL's last bidding process for petroleum inspection services, only six qualified bidders were found for FPL's bid solicitations. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for petroleum inspection services.

Justification for Confidentiality of February 2007 Report:

<u>FORM</u>	<u>LINES</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-3	G, H	(1)
423-2	1-3	H	(2)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price “would impair the efforts of [JEA, acting on its own behalf and as agent for FPL] to contract for goods or services [at the St. Johns River Power Park (SJRPP)] on favorable terms.” Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information, which is particularly sensitive given SJRPP’s reliance on long term contracts with fixed price provisions or short term spot transactions, could adversely affect FPL’s interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column H by subtracting the effective purchase price from the delivered price at the transfer facility, shown in Column I.
- (2) Disclosure of the total transportation cost “would impair the efforts of [JEA acting on its own behalf and as agent for FPL] to contract for goods or services [at SJRPP] on favorable terms.” Section 366.093(3)(d), Fla Stat. Moreover, the service provider itself typically designates the transportation costs in the contract as confidential. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Further, disclosure of this information would enable potential coal suppliers to calculate Column G which FPL seeks to protect by subtracting Column H from Column I.

Justification for Confidentiality of February 2007 Report:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(a)	1-3	F	(1)
423-2(a)	1-3	H	(1)
423-2(a)	1-3	J	(1)
423-2(a)	1-3	L	(2)

Rationale for Confidentiality:

- (1) The information presented in these columns are algebraic derivations of the information in column L that FPL seeks to protect.
- (2) Disclosure of the effective purchase price “would impair the efforts of [JEA, acting on its own behalf and as agent for FPL] to contract for goods or services [at the St. Johns River Power Park (SJRPP)] on favorable terms.” Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information could adversely affect FPL’s interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column H on Form 423-2, which FPL seeks to protect, by subtracting the effective purchase price from the delivered price at the transfer facility shown in Column I on Form 423-2.

Justification for Confidentiality of February 2007 Report:

FORM	LINE(S)	COLUMN	RATIONALE
423-2(b)	1-3	G	(1)
423-2(b)	1-3	I	(2)
423-2(b)	1-3	P	(2)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price “would impair the efforts of [JEA, acting on its own behalf and as agent for FPL] to contract for goods or services [at the St. Johns River Power Park (SJRPP)] on favorable terms.” Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information, which is particularly sensitive given SJRPP’s reliance on long term contracts with fixed price provisions or short term spot transactions, could adversely affect FPL’s interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column P, which FPL seeks to protect, by subtracting the effective purchase price from the delivered price at the transfer facility shown in Column Q.

- (2) Disclosure of the total transportation cost “would impair the efforts of [JEA acting on its own behalf and as agent for FPL] to contract for goods or services [at SJRPP] on favorable terms.” Section 366.093(3)(d), Fla Stat. Moreover, the service provider itself typically designates the transportation costs in the contract as confidential. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Further, disclosure of this information would enable potential coal suppliers to calculate Column G which FPL seeks to protect, by subtracting Column P from Column Q.

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-

DATE: 5-11-07
TO: John T. Butler
FROM: T. Henry, Division of the Commission Clerk &
Administrative Services
RE: **Acknowledgment of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 0700001-E1 or (if filed in an undocketed matter) concerning Attachment A - Monthly fuel filing, and filed on behalf of FPL/Butler. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

I:\Confid\ackconf.doc

PSC/CCA019-C(Rev 12/06)

DOCUMENT NUMBER-DATE

03957 MAY 11 5

FPSC-COMMISSION CLERK