



John T. Butler
 Managing Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 304-5639
 (561) 691-7135 (Facsimile)

January 19, 2010

RECEIVED-FPSC
 10 JAN 19 PM 1:19
 COMMISSION
 CLERK

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. 100001-EI**

Dear Ms. Cole:

I enclose and hand you herewith for filing in the above-referenced matter, an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, 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 separately and 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. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please contact me should you or your Staff have any questions regarding this filing.

- COM _____
- APA _____
- ECR 5
- GCL 1 + CD
- RAD _____ JTB/jsb
- SSC _____ Enclosures
- ADM _____ cc: Service List (w/out attachments)
- OPC _____
- CLK 1

Sincerely,

 John T. Butler

DOCUMENT NUMBER-DATE

00435 JAN 19 09

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 100001-EI

FILED: January 19, 2010

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) for November 2009 submitted in Docket No. 100001-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:

R. Wade Litchfield
Vice President of Regulatory Affairs
And Chief Regulatory Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7101
(561) 691-7135 Fax

John T. Butler
Managing Attorney
Regulatory Affairs
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
(561) 691-7135 Fax

DOCUMENT NUMBER-DATE

00435 JAN 19 2010

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 November 2009 Form 423-1(a) and St. Johns River Power Park's (SJRPP) November 2009 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
Managing Attorney
Florida Bar No. 283479
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 19th day of January, 2010:

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 & Davidson, P.A.
Attorneys for FIPUG
P.O. Box 3350
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

Robert Scheffel Wright, Esq.
Jay T. LaVia, III, Esq.
Young van Assenderp, P.A.
Attorneys for Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

Shayla L. McNeill, Capt. USAF
AFLSA/JACL-ULT
Counsel for Federal Executive Agencies
139 Barnes Drive, Ste 1
Tyndall AFB, FL 32403-5319

J. R. Kelly, Esq.
Charles J. Rehwinkel, Esq.
Charles Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399


John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

James W. Brew, Esq.
Attorney for White Springs
Brickfield, Burchette, Ritts & Stone, The P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 2007-5201

Jon C. Moyle and Vicki Kaufman
Keefe, Anchors Gordon & Moyle, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301
Co-Counsel for FIPUG

By: _____


John T. Butler
Fla. Bar No. 283479

ATTACHMENT "A"

FPL'S FPSC FORM 423-1(a)

SJRPP'S FPSC FORMS

423-2

423-2 (a)

423-2 (b)

CONFIDENTIAL
FILED UNDER SEPARATE COVER

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: NOV YEAR: 2009

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: *Kory Dubin*

5. DATE COMPLETED: 12/15/2009



| (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 | PMR | SEMPRA | PALM BEACH | 11/11/2009 | F06 | 106831 | | | | | | | | 0.0000 | | | 77.5979 |
| 2 | PTF | SEMPRA | FISHER ISLAND | 11/15/2009 | F06 | 140013 | | | | | | | | 0.0000 | | | 76.9929 |
| 3 | PWC | APEC | | 11/23/2009 | F03 | 12754 | | | | | | | | 0.0000 | | | 88.4800 |
| 4 | PPE | AMERIGAS | | 11/05/2009 | PRO | 8 | 151.1300 | 1,209 | 0 | 1,209 | 151.1300 | 0.0000 | 151.1300 | 0.0000 | 0.0000 | 0.0000 | 151.1300 |
| 5 | PPE | AMERIGAS | | 11/25/2009 | PRO | 6 | 165.9600 | 996 | 0 | 996 | 165.9600 | 0.0000 | 165.9600 | 0.0000 | 0.0000 | 0.0000 | 165.9600 |
| 6 | PMR | INDIANTOWN | | 11/03/2009 | PRO | 11 | 85.6800 | 942 | 0 | 942 | 85.6800 | 0.0000 | 85.6800 | 0.0000 | 0.0000 | 0.0000 | 85.6800 |
| 7 | PMT | SUBURBAN | | 11/11/2009 | PRO | 20 | 88.2900 | 1,366 | 0 | 1,366 | 88.2900 | 0.0000 | 88.2900 | 0.0000 | 0.0000 | 0.0000 | 88.2900 |

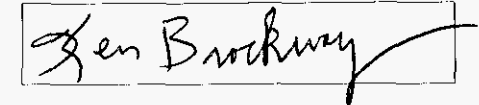
**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
ORIGIN, TONNAGE, DELIVERED PRICE AND AS RECEIVED QUALITY**

1. Report For Month/Yr: **November 2009**

4. Name, Title & Telephone Number of Contact
Person Concerning Data Submitted on this Form: **Terry Keith (305-552-4334)**

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

5. Signature of Official Submitting Report:



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

6. Date Completed:

December 10, 2009

| 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 | CONSOL Energy Sales Compan | 08,KY,025 | LTC | UR | 2,040 | | | 142.16 | 1.32 | 12,227 | 10.71 | 6.81 |
| 2 | Coal Marketing Company | 45,IM,999 | LTC | OC | 47,938 | | | 55.08 | 0.56 | 11,161 | 8.26 | 13.70 |
| 3 | Foundation Coal Corp. / Emeral | 02,PA,059 | S | UR | 6,630 | | | 144.03 | 1.88 | 13,088 | 8.18 | 5.92 |
| 4 | Patriot Coal Sales | 08,WV,005 | LTC | UR | 4,565 | | | 135.31 | 0.82 | 11,559 | 14.19 | 7.01 |

EDITED COPY

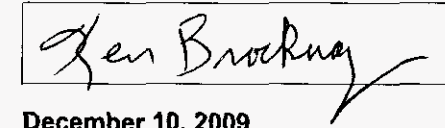
**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
DETAIL OF INVOICE PURCHASE PRICE**

1. Report For Month/Yr: **November 2009**

4. Name, Title & Telephone Number of Contact
Person Concerning Data Submitted on this Form: **Terry Keith (305-552-4334)**

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

5. Signature of Official Submitting Report:



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

6. Date Completed: **December 10, 2009**

| 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 | CONSOL Energy Sales Company | 08,KY,025 | LTC | 2,040 | | 0.00 | | 0.00 | | 0.00 | |
| 2 | Coal Marketing Company | 45,IM,999 | LTC | 47,938 | | 0.00 | | 0.00 | | 0.00 | |
| 3 | Foundation Coal Corp. / Emerald | 02,PA,059 | S | 6,630 | | 0.00 | | 0.00 | | 0.00 | |
| 4 | Patriot Coal Sales | 08,WV,005 | LTC | 4,565 | | 0.00 | | 0.00 | | 0.00 | |

EDITED COPY

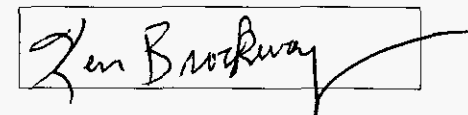
**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
DETAIL OF TRANSPORTATION CHARGES**

1. Report For Month/Yr: **November 2009**

4. Name, Title & Telephone Number of Contact
Person Concerning Data Submitted on this Form: **Terry Keith (305-552-4334)**

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

5. Signature of Official Submitting Report:



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

6. Date Completed: **December 10, 2009**

| 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 | CONSOL Energy Sales Comp: | 08,KY,025 | JONES FORK | UR | 2,040 | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | 142.16 |
| 2 | Coal Marketing Company | 45,IM,999 | EL CERREJON | OC | 47,938 | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | 55.08 |
| 3 | Foundation Coal Corp. / Emer | 02,PA,059 | EMERALD MINE | UR | 6,630 | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | 144.03 |
| 4 | Patriot Coal Sales | 08,WV,005 | HOBET 21 | UR | 4,565 | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | 135.31 |

EDITED COPY

ATTACHMENT C
Docket No. 100001-EI

Justification for Confidentiality for Florida Power & Light Company Report of November 2009:

| <u>FORM</u> | <u>LINE(S)</u> | <u>COLUMN</u> | <u>RATIONALE</u> |
|-------------|----------------|---------------|------------------|
| 423-1(a) | 1 - 3 | H | (1) |
| 423-1(a) | 1 - 3 | I | (2) |
| 423-1(a) | 1 - 3 | J | (2), (3) |
| 423-1(a) | 1 - 3 | K | (2) |
| 423-1(a) | 1 - 3 | L | (2) |
| 423-1(a) | 1 - 3 | M | (2), (4) |
| 423-1(a) | 1 - 3 | N | (2), (5) |
| 423-1(a) | 1 - 3 | P | (6), (7), (8) |
| 423-1(a) | 1 - 3 | 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 for St. Johns River Power Park (SJRRP) Report of November 2009:

| <u>FORM</u> | <u>LINE(S)</u> | <u>COLUMNS</u> | <u>RATIONALE</u> |
|-------------|----------------|----------------|------------------|
| 423-2 | 1-4 | G, H | (1) |
| 423-2 | 1-4 | 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 (SJRRP)] on favorable terms.” Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRRP is paying for coal. Disclosure of this information, which is particularly sensitive given SJRRP’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 SJRRP] 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 for St. Johns River Power Park (SJRRP) Report of November 2009:

| <u>FORM</u> | <u>LINE(S)</u> | <u>COLUMN</u> | <u>RATIONALE</u> |
|-------------|----------------|---------------|------------------|
| 423-2(a) | 1-4 | F | (1) |
| 423-2(a) | 1-4 | H | (1) |
| 423-2(a) | 1-4 | J | (1) |
| 423-2(a) | 1-4 | 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 for St. Johns River Power Park (SJRRP) Report of November 2009:

| <u>FORM</u> | <u>LINE(S)</u> | <u>COLUMN</u> | <u>RATIONALE</u> |
|-------------|----------------|---------------|------------------|
| 423-2(b) | 1-4 | G | (1) |
| 423-2(b) | 1-4 | I | (2) |
| 423-2(b) | 1-4 | 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.

COMMISSIONERS:
NANCY ARGENZIANO, CHAIRMAN
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: January 19, 2010

TO: John T. Butler, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 100001 or, if filed in an undocketed matter, concerning certain information on Forms 423 for November 2009, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

DOCUMENT NUMBER - DATE

00436 JAN 19 09

FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us