

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 100001-EI
Filed: March 12, 2010

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**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL"), hereby requests confidential classification of certain information contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness Terry J. Keith, and in support states:

1. On March 12, FPL filed the testimony of FPL witness Terry J. Keith. Schedule A12 of Appendix II to the prepared testimony contains information of a confidential nature. Pursuant to Rule 25-22.006, F.A.C., FPL is filing this Request for Confidential Classification.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of the confidential material on which all of the information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted. A copy of this redacted Schedule A12 is included in the bound copy of the prepared testimony of FPL witness Terry J. Keith.

c. Exhibit C is a table containing a column-by-column and line-by-line

COM _____
APA _____
ECR 5
GCL 1
RAD _____
SSC _____
ADM _____
OPC _____
CLK 1

identification of the information for which confidential treatment is sought and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Mr. Gerard J. Yupp in support of this Request for Confidential Classification.

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 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 harm of disclosure against the public interest in access to the information.

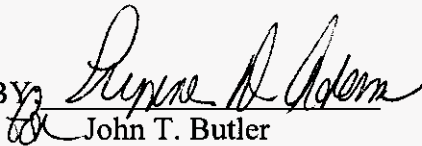
4. As the affidavit included in Exhibit D indicates, the information provided by FPL contains information concerning contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. *Section 366.093(3)(d), F.S.* Specifically, the information contains information related to the pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Additionally, the information provided by FPL contains information related to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive businesses of the provided of the information. *Section 366.093(3)(e), F.S.*'s

5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D is proprietary confidential business information, the information should not be declassified for a period of 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. *See S. 399.093(4), F.S.*

Respectfully submitted this 12th of March, 2010.

R. Wade Litchfield, Esq.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
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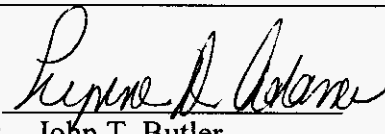
BY 
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 100001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Short Term Capacity Payment Information (*) has been furnished by hand delivery (**) or United States Mail on this 12th day of March, 2010, to the following persons:

<p>Lisa Bennett, Esq.(**) Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 LBENNETT@PSC.STATE.FL.US</p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 Kelly.jr@leg.state.fl.us Christensen.patty@leg.state.fl.us beck.charles@leg.state.fl.us</p>
<p>Lee L. Willis, Esq. James D. Beasley, Esq Ausley & McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 jbeasley@ausley.com lwillis@ausley.com</p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 john.burnett@pgnmail.com</p>
<p>John W. McWhirter, Jr., Esq McWhirter & Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 jmcwhirter@mac-law.com</p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 Beth.keating@akerman.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power P.O. Box 12950 Pensacola, Florida 32576-2950 jas@beggslane.com rab@beggslane.com</p>	<p>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 jbrew@bbrslaw.com</p>

<p>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 swright@yvlaw.net jlavia@yvlaw.net</p>	<p>Jon C. Moyle and Vicki Kaufman Keefe, Anchors Gordon & Moyle, P.A. 118 N. Gadsden St. Tallahassee, FL 32301 Co-Counsel for FIPUG vkaufman@kagmlaw.com jmoyle@kagmlaw.com</p>
<p>Cecilia Bradley Senior Assistant Attorney General Office of the Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050 cecilia.bradley@myfloridalegal.com</p>	<p>Michael C. Barrett (**) Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 mbarrett@psc.state.fl.us</p>

By 
for John T. Butler
Fla. Bar No. 283479

* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Florida Power & Light Company						EXHIBIT B						
2	Schedule A12 - Capacity Costs						CONFIDENTIAL						
3	Page 2 of 2												
4													
5													
6													
7													
8													
9													
10	Contract	Counterparty						Identification		Contract Start Date		Contract End Date	
11	1	Oleander Power Project L.P.						Other Entity		June 1, 2002		May 31, 2012	
12	2	Reliant Energy Services - Indian River						Other Entity		January 1, 2006		December 31, 2009	
13	3	JP Morgan Ventures Energy Corp. (contract formerly with Bear Energy, LLC)						Other Entity		March 3, 2006		December 31, 2009	
14	4	Constellation Energy Commodities Group						Other Entity		May 1, 2006		April 30, 2009	
15													
16	2009 Capacity in MW												
17													
18	Contract	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
19	1	155	155	155	155	155	155	155	155	155	155	155	155
20	2	567	567	567	567	567	567	567	576	576	576	576	576
21	3	106	106	50	50	77	77	77	77	-	77	77	77
22	4	38	105	-	105	-	-	-	-	-	-	-	-
23	Total	866	933	772	877	799	799	799	808	731	808	808	808
24													
25	2009 Capacity in Dollars												
26													
27		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
28	Total	3,921,680	4,105,930	3,205,340	3,494,090	3,342,500	4,283,660	4,283,660	4,325,960	3,934,800	3,384,800	3,384,800	3,712,160
29													
30	Year-to-date Short Term Capacity Payments				45,379,380								
31													
32													
33	Contract	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
34	1												
35	2												
36	3												
37	4												

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET NO.: 100001-EI
DOCKET TITLE: Levelized Fuel Cost Recovery and Capacity Cost Recovery
SUBJECT: Schedule A12 – Short Term Capacity Payments
DATE: March 12, 2010

Page No.	Description	No. of Pages	Conf Y/N	Line No. Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Appendix II, Page 7	Schedule A12	1 of 2	N			
Appendix II, Page 8	Schedule A12	2 of 2	Y	Col B – M, Lines 34-37	(d), (e)	G. Yupp

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 100001-EI
Cost Recovery Clause with Generating)
Performance Incentive Factor)

STATE OF FLORIDA)
) **AFFIDAVIT OF GERARD J. YUPP**
PALM BEACH COUNTY)

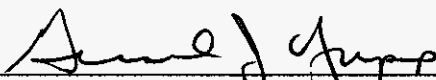
BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior 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 Exhibits B and C and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information included in Schedule A12 of Appendix II to the prepared testimony of FPL witness Terry J. Keith. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information contain contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. Specifically, the information contains information related to the pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Additionally, the information provided by FPL contains information related to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive businesses of the provided of the information. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for a period of at least eighteen (18) months. In addition, it 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 23 day of February 2010, by Gerard J. Yupp, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Maritza Miranda-Wise

Notary Public, State of Florida

My Commission Expires:



STATE OF FLORIDA



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

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COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: March 12, 2010

TO: John Butler, Lynn Adams, 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 contained in Schedule A12 of Appendix II, 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.

RECORD NUMBER - DATE
01741 MAR 12 09
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