



John T. Butler  
 Managing Attorney  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408-0420  
 (561) 304-5639  
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RECEIVED-FPSC  
 10 JUL 27 PM 12:37

COMMISSION  
 CLERK

July 27, 2010

**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

\_\_\_ CLAIM OF CONFIDENTIALITY  
 \_\_\_ NOTICE OF INTENT  
 REQUEST FOR CONFIDENTIALITY  
 FILED BY OPC  
 FOR DN 06113-10, WHICH  
 IS IN LOCKED STORAGE. YOU MUST BE  
 AUTHORIZED TO VIEW THIS DN. - CLK

**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 3 + CD
- GCL \_\_\_\_\_
- RAD \_\_\_\_\_ JTB/jsb
- SSC \_\_\_\_\_ Enclosures
- ADM \_\_\_\_\_ cc: Service List (w/out attachments)
- OPC \_\_\_\_\_
- CLK Pena

[clk note: CD contains request & Attachment C only.] *ADM*

Sincerely,  
  
 John T. Butler

**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: July 27, 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 May/April 2010 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 and General 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

2. The following attachments are included herewith and made a part hereof:
  - a. Attachment A includes the complete and unedited version of FPL's May 2010 Form 423-1(a), St. Johns River Power Park's (SJRPP) May 2010 Forms 423-2, 423-2(a) and 423-2(b) and R. W. Scherer's (Plant Scherer) April 2010 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,



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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 27th day of July, 2010:

<p>Lisa Bennett, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <a href="mailto:Lbennett@psc.state.fl.us">Lbennett@psc.state.fl.us</a></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 <a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a> <a href="mailto:Christensen.patty@leg.state.fl.us">Christensen.patty@leg.state.fl.us</a> <a href="mailto:beck.charles@leg.state.fl.us">beck.charles@leg.state.fl.us</a></p>
<p>Lee L. Willis, Esq. James D. Beasley, Esq. Ausley &amp; McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a> <a href="mailto:lwillis@ausley.com">lwillis@ausley.com</a></p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 <a href="mailto:john.burnett@pgnmail.com">john.burnett@pgnmail.com</a></p>
<p>John W. McWhirter, Jr., Esq. McWhirter &amp; Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 <a href="mailto:jmcwhirter@mac-law.com">jmcwhirter@mac-law.com</a></p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 <a href="mailto:Beth.keating@akerman.com">Beth.keating@akerman.com</a></p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs &amp; Lane Attorneys for Gulf Power P.O. Box 12950 Pensacola, Florida 32576-2950 <a href="mailto:jas@beggslane.com">jas@beggslane.com</a> <a href="mailto:rab@beggslane.com">rab@beggslane.com</a></p>	<p>James W. Brew, Esq. Attorney for White Springs Brickfield, Burchette, Ritts &amp; Stone, The P.C. 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 <a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a></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  <a href="mailto:swright@yvlaw.net">swright@yvlaw.net</a>  <a href="mailto:jlavia@yvlaw.net">jlavia@yvlaw.net</a></p>	<p>Jon C. Moyle and Vicki Kaufman  Keefe, Anchors Gordon &amp; Moyle, P.A.  118 N. Gadsden St.  Tallahassee, FL 32301  Co-Counsel for FIPUG  <a href="mailto:vkaufman@kagmlaw.com">vkaufman@kagmlaw.com</a>  <a href="mailto:jmoyle@kagmlaw.com">jmoyle@kagmlaw.com</a></p>
<p>Cecilia Bradley  Senior Assistant Attorney General  Office of the Attorney General  The Capitol - PL01  Tallahassee, FL 32399-1050  <a href="mailto:cecilia.bradley@myfloridalegal.com">cecilia.bradley@myfloridalegal.com</a></p>	<p>Michael Barrett  Division of Legal Services  Florida Public Service Commission  2540 Shumard Oak Blvd  Tallahassee, Florida 32399-0850  <a href="mailto:Mbarrett@psc.state.fl.us">Mbarrett@psc.state.fl.us</a></p>
<p>Captain Shayla L. McNeill  Attorney for the FEA  AFLOA/JACL-ULFSC  139 Barnes Drive, Suite 1  Tyndall AFB, FL 32403-5319  <a href="mailto:Shayla.mcneill@tyndall.af.mil">Shayla.mcneill@tyndall.af.mil</a></p>	

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

**ATTACHMENT "A"**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

**FPL'S FPSC FORM 423-1(a)**

**SJRPP'S FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

**R.W. SCHERER FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

DOCUMENT NUMBER-DATE

06112 JUL 27 9

FPSC-COMMISSION CLERK

**REDACTED**

**ATTACHMENT "B"**

**EDITED VERSION**

**FPL'S FPSC FORM 423-1(a)**

**SJRPP'S FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

**R.W. SCHERER FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

DOCUMENT NUMBER-DATE

06112 JUL 27 9

FPSC-COMMISSION CLERK



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

FPSC FORM NO. 423-1 (a)

**REDACTED**  
**EDITED COPY**

1. REPORTING MONTH: MAY YEAR: 2010

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

2. REPORTING COMPANY: FLORIDA POWER LIGHT COMPANY

4. SIGNATURE OF OFFICIAL SUBMITTING REPORT: *[Signature]*

5. DATE COMPLETED: 07/01/2010

(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	PPE	CONOCO	PORT EVERGLADES	05/10/2010	F06	26198								0.0000			73.6842
2	PPE	CONOCO	PORT EVERGLADES	05/16/2010	F06	107623								0.0000			73.6842
3	PTF	CONOCO	FISHER ISLAND	05/09/2010	F06	81943								0.0000			74.2229
4	PMR	SEMPRA	PALM BEACH	05/15/2010	F06	101732								0.0000			69.3078
5	PMR	SEMPRA	PALM BEACH	05/30/2010	F06	130467								0.0000			72.7979
6	PMT	SEMPRA	PORT MANATEE	05/09/2010	F06	150252								0.0000			72.1257
7	PMT	SEMPRA	PORT MANATEE	05/13/2010	F06	183592								0.0000			72.1257
8	PPE	SEMPRA	PORT EVERGLADES	05/07/2010	F06	69990								0.0000			71.0342
9	PFM	APEC		05/21/2010	F03	14868								0.0000			98.5100
10	PWC	APEC		05/28/2010	F03	11627								0.0000			96.7800
11	PWC	APEC		05/31/2010	F03	6979								0.0000			96.7800
12	PPE	AMERIGAS		05/05/2010	PRO	5	135.0700	675	0	675	135.0700	0.0000	135.0700	0.0000	0.0000	0.0000	135.0700
13	PTF	AMERIGAS		05/13/2010	PRO	6	75.0500	450	0	450	75.0500	0.0000	75.0500	0.0000	0.0000	0.0000	75.0500

DOCUMENT NUMBER-DATE  
 06112 JUL 27 09  
 FPSC-COMMISSION CLERK

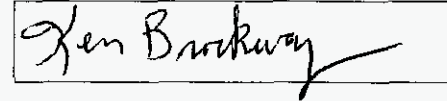
**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS  
ORIGIN, TONNAGE, DELIVERED PRICE AND AS RECEIVED QUALITY**

1. Report For Month/Yr: **May 2010**

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: **June 21, 2010**

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	2,255			143.68	1.81	11,911	12.88	6.87
2	Coal Marketing Company	45,IM,999	LTC	OC	49,180			57.43	0.58	11,117	8.76	13.03
3	Foundation Coal Corp. / Emeral	02,PA,059	S	UR	4,503			145.72	2.13	13,101	8.17	5.81
4	Patriot Coal Sales	08,WV,005	LTC	UR	2,267			136.88	0.84	11,697	12.24	7.47

**EDITED COPY**

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

1. Report For Month/Yr: **May 2010**

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:

*Terry Keith*

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

6. Date Completed: **June 21, 2010**

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	2,255		0.00		0.00		0.00	
2	Coal Marketing Company	45,IM,999	LTC	49,180		0.00		0.00		0.00	
3	Foundation Coal Corp. / Emerald	02,PA,059	S	4,503		0.00		0.00		0.00	
4	Patriot Coal Sales	08,WV,005	LTC	2,267		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: **May 2010**

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: **June 21, 2010**

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	2,255		0.00		0.00	0.00	0.00	0.00	0.00	0.00		143.68
2	Coal Marketing Company	45,IM,999	EL CERREJON	OC	49,180		0.00		0.00	0.00	0.00	0.00	0.00	0.00		57.43
3	Foundation Coal Corp. / Emer	02,PA,059	EMERALD MINE	UR	4,503		0.00		0.00	0.00	0.00	0.00	0.00	0.00		145.72
4	Patriot Coal Sales	08,WV,005	HOBET 21	UR	2,267		0.00		0.00	0.00	0.00	0.00	0.00	0.00		136.88

**EDITED COPY**

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

1. Reporting Month: **April** Year: **2010**  
 2. Reporting Company: **FLORIDA POWER & LIGHT COMPANY**  
 3. Plant Name: **R.W.SCHERER**

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

5. Signature of Official Submitting Report:

*Ken Brockway*

6. Date Completed: 01-Jul-10

Line No. (a)	Supplier Name (b)	Mine Location (c)	Purchase Type (d)	Transport Mode (e)	Tons (f)	Purchase Price (\$/Ton) (g)	Effective Transport Charges (\$/Ton) (h)	Total FOB Plant Price (\$/Ton) (i)	Sulfur Content (%) (j)	Btu Content (Btu/lb) (k)	Ash Content (%) (l)	Moisture Content (%) (m)
(1)	BUCKSKIN MINING CO	19/WY/5	S	UR	19,478.25			36.811	0.26	8,459	4.39	29.61
(2)	COAL SALES, LLC	19/WY/5	S	UR	36,113.35			36.902	0.22	8,714	4.34	27.42
(3)	KENNECOTT COAL SALE	19/WY/5	S	UR	33,375.29			37.781	0.32	8,389	5.51	29.20
(4)	KENNECOTT COAL SALE	19/WY/5	S	UR	13,545.45			37.305	0.27	8,316	5.57	29.79
(5)	BUCKSKIN MINING CO	19/WY/5	S	UR	37,670.24			36.467	0.27	8,461	4.55	29.46

**EDITED COPY**

**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS  
DETAILED PURCHASED COAL INVOICE INFORMATION**

1. Reporting Month: **April** Year: **2010**  
 2. Reporting Company: **FLORIDA POWER & LIGHT COMPANY**  
 3. Plant Name: **R.W.SCHERER**

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

5. Signature of Official Submitting Report:



6. Date Completed: **01-Jul-10**

Line No. (a)	Supplier Name (b)	Mine Location (c)	Purch. Type (d)	Tons (e)	FOB Mine Price (\$/Ton) (f)	Shorthaul & Loading Charges (\$/Ton) (g)	Original Invoice Price (\$/Ton) (h)	Retroactive Price Increase (\$/Ton) (i)	Base Price (\$/Ton) (j)	Quality Adjustments (\$/Ton) (k)	Effective Purchase Price (\$/Ton) (l)
(1)	BUCKSKIN MINING CO	19/WY/5	S	19,478.25		-		-		0.148	
(2)	COAL SALES, LLC	19/WY/5	S	36,113.35		-		-		(0.005)	
(3)	KENNECOTT COAL SALE: 19/WY/5		S	33,375.29		-		-		0.016	
(4)	KENNECOTT COAL SALE: 19/WY/5		S	13,545.45		-		-		0.000	
(5)	BUCKSKIN MINING CO	19/WY/5	S	37,670.24		-		-		0.082	

**EDITED COPY**

MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS  
 DETAILED TRANSPORTATION INVOICE INFORMATION

1. Reporting Month: **April** Year: **2010**  
 2. Reporting Company: **FLORIDA POWER & LIGHT COMPANY**  
 3. Plant Name: **R.W.SCHERER**

4. Name, Title & Telephone Number of Contact Person Concerning Data  
 Submitted on this Form: Terry Keith  
 (305) 552-4334  
 5. Signature of Official Submitting Report: *Ken Brockway*  
 6. Date Completed: 01-Jul-10

Line No. (a)	Supplier Name (b)	Mine Location (c)	Shipping Point (d)	Transport Mode (e)	Tons (f)	Effective Purchase Price (\$/Ton) (g)	Additional Shorthaul & Loading Charges (\$/Ton) (h)	Rail Charges		Waterborne Charges					Other Related Charges (\$/Ton) (o)	Total Transportation Charges (\$/Ton) (p)	FOB Plant Price (\$/Ton) (q)
								Rail Rate (\$/Ton) (i)	Other Rail Charges (\$/Ton) (j)	River Barge Rate (\$/Ton) (k)	Trans-loading Rate (\$/Ton) (l)	Ocean Barge Rate (\$/Ton) (m)	Other Water Charges (\$/Ton) (n)				
(1)	BUCKSKIN MINING CO	19/WY/5	BUCKSKIN JCT, W	UR	19,478.25	-	-	-	-	-	-	-	-	-	-	36.811	
(2)	COAL SALES, LLC	19/WY/5	NACCO JCT, WY	UR	36,113.35	-	-	-	-	-	-	-	-	-	-	36.902	
(3)	KENNECOTT COAL SALI	19/WY/5	CONVERSE JCT, V	UR	33,375.29	-	-	-	-	-	-	-	-	-	-	37.781	
(4)	KENNECOTT COAL SALI	19/WY/5	CORDERO JCT, V	UR	13,545.45	-	-	-	-	-	-	-	-	-	-	37.305	
(5)	BUCKSKIN MINING CO	19/WY/5	BUCKSKIN JCT, W	UR	37,670.24	-	-	-	-	-	-	-	-	-	-	36.487	

**EDITED COPY**

**ATTACHMENT C**  
**Docket No. 100001-EI**

**Justification for Confidentiality for Florida Power & Light Company Report of May 2010:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-1(a)	1-11	H	(1)
423-1(a)	1-11	I	(2)
423-1(a)	1-11	J	(2), (3)
423-1(a)	1-11	K	(2)
423-1(a)	1-11	L	(2)
423-1(a)	1-11	M	(2), (4)
423-1(a)	1-11	N	(2), (5)
423-1(a)	1-11	P	(6), (7), (8)
423-1(a)	1-11	Q	(6), (7), (8)

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**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

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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 May 2010:**

<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 (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 for St. Johns River Power Park (SJRRP) Report of May 2010:**

<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 (SJRPP) Report of May 2010:**

<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.

**Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of April 2010:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-5	G, H	(1)

**Rationale for Confidentiality:**

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL’s disclosure of BNSF transportation rate information on FPL’s Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company (“GPC”) and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would “impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms” and would “impair the competitive business of” BNSF.

**Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of April 2010:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(a)	1-5	F, H, J, L	(1)

**Rationale for Confidentiality:**

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL’s disclosure of BNSF transportation rate information on FPL’s Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company (“GPC”) and that FPL is obligated to maintain the confidentiality of that information.

Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would “impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms” and would “impair the competitive business of” BNSF.

**Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of April 2010:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(b)	1-5	G, I, P	(1)

**Rationale for Confidentiality:**

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL’s disclosure of BNSF transportation rate information on FPL’s Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company (“GPC”) and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would “impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms” and would “impair the competitive business of” BNSF.

State of Florida



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**Re: Acknowledgement of Confidential Filing in Docket No. 100001-EI**

**This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on July 27, 2010, in the above-referenced docket.**

**Document Number 06112-10 has been assigned to this filing, which 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.**