



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 NOV -3 PM 4: 02

COMMISSION
 CLERK

November 3, 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 09157-10, 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.

Sincerely,

 John T. Butler

- COM _____
- APA _____
- ECB 3+ JTB/lsb →
- GCL _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK Fena

1 CD containing req and exhibit C also fwd.
 Enclosures
 cc: Service List (w/out attachments)

**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: November 3, 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 Augusty/July 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

DOCUMENT NUMBER-DATE
09156 NOV-3 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 August 2010 Form 423-1(a), St. Johns River Power Park's (SJRPP) August 2010 Forms 423-2, 423-2(a) and 423-2(b) and R. W. Scherer's (Plant Scherer) July 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,



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

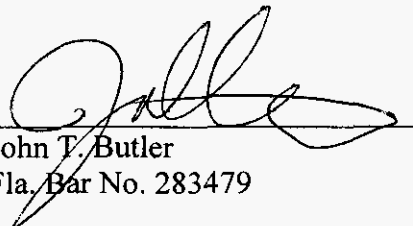
Docket No. 100001-EI

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that copies of Florida Power & Light Company's forms 423-1, 423-1(a), and 423-1(b) for the month of August 2010, copies of St. Johns River Power Park forms 423-2, 423-2(a), and 423-2(b) for the month of August 2010; and copies of Plant Scherer forms 423-2, 423-2(a), and 423-2(b) for the month of July 2010 have been served via first class mail, postage prepaid to the parties listed below this 3rd day of November, 2010.

<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>James D. Beasley, Esq J. Jeffrey Wahlen, Esq. Ausley & McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 jbeasley@ausley.com jwahlen@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 501 Commendancia Street Pensacola, FL 32502 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 and City of Marianna 225 South Adams Street, Suite 200 Tallahassee, FL 32301 swright@yvlaw.net jlavia@yvlaw.net</p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq. 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, Esq. Senior Assistant Attorney General Office of the Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050 cecilia.bradley@myfloridalegal.com</p>	<p>Michael Barrett Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 MBARRETT@PSC.STATE.FL.US</p>
<p>Captain Shayla L. McNeill Attorney for the FEA AFLOA/JACL-ULFSC 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 Shayla.mcneill@tyndall.af.mil</p>	<p>Patrick K. Wiggins, Esq. Attorneys for AFFIRM P.O. Drawer 1657 Tallahassee, FL 32302 wigglaw@gmail.com</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)

ATTACHMENT "B"

EDITED VERSION

REDACTED

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

09156 NOV-3 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)

1. REPORTING MONTH: AUG 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: 

5. DATE COMPLETED: 10/14/2010

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 (BBLs)	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	08/18/2010	F06	108198								0.0000			75.5442
2	PPE	CONOCO	PORT EVERGLADES	08/29/2010	F06	25962								0.0000			75.5442
3	PTF	CONOCO	FISHER ISLAND	08/29/2010	F06	82362								0.0000			76.0829
4	PMR	JP MORGAN	PALM BEACH	08/04/2010	F06	140356								0.0000			76.1679
5	PMR	JP MORGAN	PALM BEACH	08/24/2010	F06	243817								0.0000			75.5379
6	PMR	JP MORGAN	PALM BEACH	08/31/2010	F06	139701								0.0000			77.7479
7	PMT	JP MORGAN	PORT MANATEE	08/03/2010	F06	152891								0.0000			76.3657
8	PMT	JP MORGAN	PORT MANATEE	08/06/2010	F06	29106								0.0000			74.9357
9	PMT	JP MORGAN	PORT MANATEE	08/08/2010	F06	104557								0.0000			75.1857
10	PMT	JP MORGAN	PORT MANATEE	08/14/2010	F06	120254								0.0000			76.1357
11	PPE	JP MORGAN	PORT EVERGLADES	08/09/2010	F06	44402								0.0000			74.2942
12	PTF	JP MORGAN	FISHER ISLAND	08/08/2010	F06	96778								0.0000			74.1629
13	PMT	APEC		08/31/2010	F02	535								0.0000			83.9100
14	PFM	JP MORGAN		08/13/2010	F03	19392								0.0000			91.9300
15	PPE	AMERIGAS		08/06/2010	PRO	8	134.3200	1,075	0	1,075	134.3200	0.0000	134.3200	0.0000	0.0000	0.0000	134.3200
16	PPE	AMERIGAS		08/26/2010	PRO	6	120.8200	725	0	725	120.8200	0.0000	120.8200	0.0000	0.0000	0.0000	120.8200
17	PMR	INDIANTOWN		08/04/2010	PRO	12	81.0600	973	0	973	81.0600	0.0000	81.0600	0.0000	0.0000	0.0000	81.0600
18	PMT	SUBURBAN		08/25/2010	PRO	4	69.8900	280	0	280	69.8900	0.0000	69.8900	0.0000	0.0000	0.0000	69.8900

DOCUMENT NUMBER-DATE

09156 NOV-30

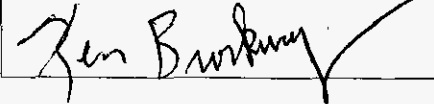
**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
ORIGIN, TONNAGE, DELIVERED PRICE AND AS RECEIVED QUALITY**

1. Report For Month/Yr: **August 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:

September 3, 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	Coal Marketing Company	45,IM,999	LTC	OC	54,239			57.60	0.56	11,121	8.03	13.88
2	Patriot Coal Sales	08,WV,005	LTC	UR	4,671			137.18	0.71	11,397	14.58	7.02

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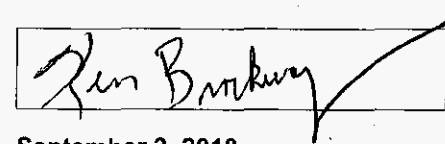
MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
 DETAIL OF INVOICE PURCHASE PRICE

1. Report For Month/Yr: **August 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: **September 3, 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	Coal Marketing Company	45,IM,999	LTC	54,239		0.00		0.00		0.00	
2	Patriot Coal Sales	08,WV,005	LTC	4,671		0.00		0.00		0.00	

EDITED COPY

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

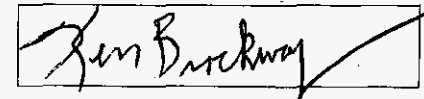
1. Report For Month/Yr: **August 2010**

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:

September 3, 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	Coal Marketing Company	45,IM,999	EL CERREJON	OC	54,239		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		57.60
2	Patriot Coal Sales	08,WV,005	HOBET 21	UR	4,671		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		137.18

EDITED COPY

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

- | | | | | |
|-----------------------|-------------------------------|-------|------|---|
| 1. Reporting Month: | July | Year: | 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 COMPANY | | | 5. Signature of Official Submitting Report:  |
| 3. Plant Name: | R.W.SCHERER | | | |
| | | | | 6. Date Completed: 29-Oct-10 |

Line No.	Supplier Name	Mine Location	Purchase Type	Transport Mode	Tons	Purchase Price (\$/Ton)	Effective Transport Charges (\$/Ton)	Total FOB Plant Price (\$/Ton)	Sulfur Content (%)	Btu Content (Btu/lb)	Ash Content (%)	Moisture Content (%)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)
(1)	BUCKSKIN MINING CO	19/WY/5	S	UR	16,687.18			36.677	0.23	8,389	4.18	30.15
(2)	COAL SALES, LLC	19/WY/5	S	UR	22,272.85			36.441	0.21	8,778	4.55	26.93
(3)	KENNECOTT COAL SALE	19/WY/5	S	UR	39,192.67			38.425	0.28	8,799	5.43	25.78
(4)	KENNECOTT COAL SALE	19/WY/5	S	UR	34,645.67			37.305	0.31	8,341	5.20	29.87
(5)	BUCKSKIN MINING CO	19/WY/5	S	UR	27,150.70			36.245	0.27	8,362	4.48	30.02
(6)	ALPHA COAL WEST, INC	19/WY/5	S	UR	40,021.18			36.790	0.24	8,506	4.31	29.68

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

- | | | | | |
|-----------------------|-------------------------------|-------|------|---|
| 1. Reporting Month: | July | Year: | 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 COMPANY | | | 5. Signature of Official Submitting Report:  |
| 3. Plant Name: | R.W.SCHERER | | | 6. Date Completed: 29-Oct-10 |

Line No.	Supplier Name	Mine Location	Purch. Type	Tons	FOB Mine Price (\$/Ton)	Shorthaul & Loading Charges (\$/Ton)	Original Invoice Price (\$/Ton)	Retroactive Price Increase (\$/Ton)	Base Price (\$/Ton)	Quality Adjustments (\$/Ton)	Effective Purchase Price (\$/Ton)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
(1)	BUCKSKIN MINING CO	19/WY/5	S	16,687.18		-		-		0.084	
(2)	COAL SALES, LLC	19/WY/5	S	22,272.85		-		-		(0.366)	
(3)	KENNECOTT COAL SALE	19/WY/5	S	39,192.67		-		-		0.032	
(4)	KENNECOTT COAL SALE	19/WY/5	S	34,645.67		-		-		0.000	
(5)	BUCKSKIN MINING CO	19/WY/5	S	27,150.70		-		-		(0.140)	
(6)	ALPHA COAL WEST, INC	19/WY/5	S	40,021.18		-		-		0.000	

EDITED COPY

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

1. Reporting Month: **July** 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: *Tom Brockway*
 6. Date Completed: 29-Oct-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	16,687.18	-	-	-	-	-	-	-	-	-	-	36.677
(2)	COAL SALES, LLC	19/WY/5	NACCO JCT, WY	UR	22,272.85	-	-	-	-	-	-	-	-	-	-	36.441
(3)	KENNECOTT COAL SALI	19/WY/5	CONVERSE JCT, W	UR	39,192.67	-	-	-	-	-	-	-	-	-	-	38.425
(4)	KENNECOTT COAL SALI	19/WY/5	CORDERO JCT, W	UR	34,645.67	-	-	-	-	-	-	-	-	-	-	37.305
(5)	BUCKSKIN MINING CO	19/WY/5	BUCKSKIN JCT, W	UR	27,150.70	-	-	-	-	-	-	-	-	-	-	36.245
(6)	ALPHA COAL WEST, INC	19/WY/5	BELLE AYR, WY	UR	40,021.18	-	-	-	-	-	-	-	-	-	-	36.790

EDITED COPY

ATTACHMENT C
Docket No. 100001-EI

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

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-1(a)	1-14	H	(1)
423-1(a)	1-14	I	(2)
423-1(a)	1-14	J	(2), (3)
423-1(a)	1-14	K	(2)
423-1(a)	1-14	L	(2)
423-1(a)	1-14	M	(2), (4)
423-1(a)	1-14	N	(2), (5)
423-1(a)	1-14	P	(6), (7), (8)
423-1(a)	1-14	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

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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 August 2010:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-2	G, H	(1)
423-2	1-2	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 August 2010:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(a)	1-2	F	(1)
423-2(a)	1-2	H	(1)
423-2(a)	1-2	J	(1)
423-2(a)	1-2	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 August 2010:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(b)	1-2	G	(1)
423-2(b)	1-2	I	(2)
423-2(b)	1-2	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 July 2010:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-6	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 July 2010:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(a)	1-6	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 July 2010:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(b)	1-6	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



Public Service Commission

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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 November 3, 2010, in the above-referenced docket.

Document Number 09157-10 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.