

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 110001-EI
Filed: March 1, 2011

COMMISSION
CLERK

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 1, 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

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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.
claim of confidentiality
notice of intent
[X] request for confidentiality
filed by OPC

For DN 01370-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

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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

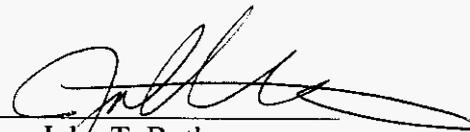
5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be

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 1st of March, 2011

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

BY:



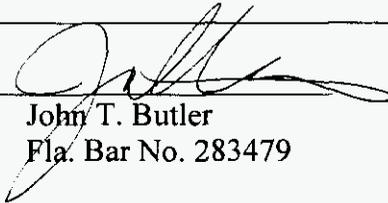
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 110001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (*) has been furnished by hand delivery (**) or United States Mail on this 1st day of March, 2011, to the following persons:

<p>Erik Sayler, Esq.** Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 esayler@PSC.STATE.FL.US</p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Charles Rehwinkel, 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 rehwinkle.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./Diane M. Triplett Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 john.burnett@pgnmail.com diane.triplett@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. Gunster Firm Attorneys for FPUC 215 So. Monroe St., Suite 618 Tallahassee, Florida 32301- 1804 bkeating@gunster.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power 501 Commendencia Street Pensacola, FL 32502 jas@beggslane.com rab@beggslane.com</p>	<p>James W. Brew, Esq / F. Alvin Taylor, Esq. Attorney for White Springs Brickfield, Burchette, Ritts & Stone, P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 jbrew@bbrslaw.com ataylor@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 ykaufman@kagmlaw.com jmoyle@kagmlaw.com</p>
<p>Patrick K. Wiggins For AFFIRM P.O. Drawer 1657 Tallahassee, FL 32302 wigglaw@gmail.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>Allan Jungels, Capt, USAF Utility Litigation & Negotiation Team Staff Attorney AFLOA/JACL-ULT/FLOA/JACL-ULT 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5317 Attorney for the Federal Executive Agencies Allan.Jungels@tyndall.af.mil</p>	

By: 
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.

REDACTED

EXHIBIT B

DOCUMENT NUMBER-DATE

01369 MAR-1 =

FPSC-COMMISSION CLERK

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	
1	CONFIDENTIAL														
2	Florida Power & Light Company														
3	Schedule A12 - Capacity Costs														
4	Page 2 of 2														
5															
6															
7															
8															
9															
10	<u>Contract</u>	<u>Counterparty</u>								<u>Identification</u>		<u>Contract Start Date</u>		<u>Contract End Date</u>	
11	1	Oleander Power Project L.P.								Other Entity		June 1, 2002		May 31, 2012	
12	2	Southern Co. - UPS Scherer								Other Entity		June, 2010		December 31, 2015	
13	3	Southern Co. - UPS Harris								Other Entity		June, 2010		December 31, 2015	
14	4	Southern Co. - UPS Franklin								Other Entity		June, 2010		December 31, 2015	
15															
16	2010 Capacity in MW														
17															
18	<u>Contract</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>		
19	1	155	155	155	155	155	155	155	155	155	155	155	155		
20	2	-	-	-	-	-	163	163	163	163	163	163	163		
21	3	-	-	-	-	-	600	600	600	600	600	600	600		
22	4	-	-	-	-	-	190	190	190	190	190	190	190		
23	Total	155	155	155	155	155	1,108	1,108	1,108	1,108	1,108	1,108	1,108		
24															
25	2010 Capacity in Dollars														
26															
27		<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>		
28															
29															
30	Year-to-date Short Term Capacity Payments					59,920,152									
31															
32															
33	<u>Contract</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>		
34															
35															
36															
37															
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REDACTED

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EXHIBIT C

DOCUMENT NUMBER-DATE

01369 MAR-1 =

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EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET NO.: 110001-EI
DOCKET TITLE: Levelized Fuel Cost Recovery and Capacity Cost Recovery
SUBJECT: Schedule A12 – Short Term Capacity Payments
DATE: March 1, 2011

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 28,34-37	(d), (e)	G. Yupp

EXHIBIT D

DOCUMENT NUMBER-DATE

01369 MAR-1 =

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EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 110001-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.

Handwritten signature of Gerard J. Yupp over a horizontal line.

Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 28th day of February 2011, 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.



My Commission Expires:

Handwritten signature of Maritza Miranda-Wise over a horizontal line, followed by the text 'Notary Public, State of Florida'.

Stamp: NUMBER-DATE 01369 MAR-1 = FPSC-COMMISSION CLERK

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

**John T. Butler
700 Universe Blvd
Juno Beach FL 33408**

Re: Acknowledgement of Confidential Filing in Docket No. 110001-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on March 1, 2011, in the above-referenced docket.

Document Number 01370-11 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.