



John T. Butler
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April 1, 2011

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 COMMISSION
 CLERK

-VIA HAND DELIVERY -

Ms. Ann Cole, Director
 Division of the Commission Clerk and Administrative Services
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

Re: Docket No. 110001-EI

Dear Ms. Cole:

For DN 02147-11, which is in locked storage. You must be authorized to view this DN.-CLK

I am enclosing for filing in the above docket the following:

1. The original and fifteen (15) copies of the prefiled testimony and exhibits of FPL witness G. Yupp. Mr. Yupp's testimony provides and supports the information on 2010 fuel hedging results that is required by Item 5 of the Resolution of Issues approved by the Commission in Order No. PSC-02-1484-FOF-EI, Docket No. 011605-EI.
2. The original and seven (7) copies of FPL's Request for Confidential Classification of Fuel Hedging Confidential Information. The original includes Exhibits A, B, C and D. Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "EXHIBIT A"-CONFIDENTIAL. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's justification for its request for confidential classification. Exhibit D contains the affidavit of Gerard Yupp in support of FPL's 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.

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Also included herewith is a CD containing electronic files of FPL's Request for Confidential Classification of Fuel Hedging Confidential Information and Exhibit C. *contains request and exhibit C.*

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

 John T. Butler

Enclosure
 cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

02146 APR-1 =

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 110001-EI

Filed: April 1, 2011

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF FUEL HEDGING CONFIDENTIAL INFORMATION**

Florida Power & Light Company ("FPL"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests confidential classification of certain information on fuel hedging activities and market comparisons that is contained in Exhibit GJY-1 to the prepared testimony of Gerard J. Yupp (the "Fuel Hedging Confidential Information").

In support of its Request, FPL states as follows:

1. On April 1, 2011, FPL filed the prepared testimony of Gerald J. Yupp, including Exhibit GJY-1, in support of its report on the August through December 2010 Hedging Activity True-up Report. That testimony and exhibit contain information of a confidential nature. Pursuant to Rule 25-22.006(3)(a), F.A.C., FPL is filing this Request for Confidential Classification.

2. The following exhibits are included with, and made a part of, this Request:

a. Exhibit A consists of a copy of Exhibit GJY-1, in which all of the Fuel Hedging Confidential Information that FPL asserts is entitled to confidential treatment has been highlighted.

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b. Exhibit B consists of two copies of Exhibit GJY-1 in which all of the Fuel Hedging Confidential Information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D consists of the affidavit of Gerard J. Yupp in support of this request.

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 in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., 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 hard 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 trade secrets, which are protected under Section 366.093(3)(a), F.S. Specifically, the documents contain information regarding FPL's monthly hedging results for natural gas and heavy fuel oil. The disclosure of this trade-secret information would provide other participants in the fuel and financial markets insight into FPL's hedging practices that would allow them to anticipate FPL's trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. In addition, the public disclosure of this information would also place FPL at a competitive

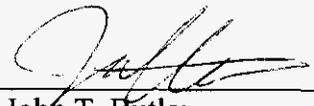
disadvantage when coupled with other information that is publicly available, which is protected under Section 366.093(3)(e), F.S.

5. Upon a finding by the Commission that the Fuel Hedging Confidential Information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S., pursuant to Section 366.093(4), F.S., such materials should not be declassified for 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.

WHEREFORE, FPL respectfully requests confidential classification of the Fuel Hedging Confidential Information described herein.

Respectfully submitted this 1st day of April, 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

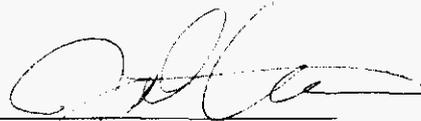
BY: 
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 110001-EI

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

<p>Jennifer Crawford, Esq.** Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 jcrawfor@PSC.STATE.FL.US</p>	<p>J. R. Kelly, Esq. Patricia Christensen, 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 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 jmewhirter@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 vkaufman@kagmlaw.com jmoyle@kagmlaw.com</p>
<p>Patrick K. Wiggins, Esq. Attorneys 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 a redacted version of Exhibit GJY-1 (Exhibit B) is included with the testimony of Mr. Yupp that is being served on all parties, and copies of Exhibits C and D are available upon request.

REDACTED

EXHIBIT B

DOCUMENT NUMBER-DATE

02146 APR-1 =

FPSC-COMMISSION CLERK

REDACTED

CONFIDENTIAL

	A	B	C	D	E	F
			FPL NATURAL GAS PROCUREMENT			
			VOLUME (MMBTU)			
	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
1						
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4	YEAR-TO-DATE SWAPS					
5	(JAN - DEC)	SWING SWAPS				
6	2010	OVER-THE-COUNTER OPTIONS				
7		BROKER FEES				
8						\$ (509,147,046)
9						
10						
11		AVERAGE PERIOD OF HEDGE (Days) - FINANCIAL				

CONFIDENTIAL

	A	B	C	D	E	F
	FPL HEAVY FUEL OIL PROCUREMENT					
	VOLUME (BARRELS)					
	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
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4	YEAR-TO-DATE SWAPS					
5	(JAN - DEC)	SWING SWAPS				
6	2010	OVER-THE-COUNTER OPTIONS				
7		BROKER FEES				
8						\$ 8,917,158
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11		AVERAGE PERIOD OF HEDGE (Days) - FINANCIAL				

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FPSC-COMMISSION CLERK

GJY-1
Docket No. 110001-EI
FPL Witness: Gerard Yupp
Page 2 of 26
April 1, 2011

CONFIDENTIAL

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			FPL NATURAL GAS PROCUREMENT			
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CONFIDENTIAL

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EXHIBIT C

DOCUMENT NUMBER-DATE

02146 APR-1 =

FPSC-COMMISSION CLERK

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 110001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause
SUBJECT: Fuel Hedging Information
DATE: April 1, 2011

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	1	FPL Natural Gas Procurement Year to Date (Jan-Dec 2010)	1	Y	Lines 4-8, & 11 ,Col C-E Lines 4-7, Col F	(a), (e)	G. Yupp
GJY-1	2	FPL Heavy Fuel Oil Procurement Year to Date (Jan-Dec 2010)	1	Y	Lines 4-8, & 11, Col C-E Line 4-7, Col F	(a), (e)	G. Yupp
GJY-1	3	FPL Natural Gas Procurement January 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	4	FPL Heavy Fuel Oil Procurement January 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	5	FPL Natural Gas Procurement February 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	6	FPL Heavy Fuel Oil Procurement February 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	7	FPL Natural Gas Procurement March 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	8	FPL Heavy Fuel Oil Procurement March 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	9	FPL Natural Gas Procurement April 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp

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EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	10	FPL Heavy Fuel Oil Procurement April 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	11	FPL Natural Gas Procurement May 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	12	FPL Heavy Fuel Oil Procurement May 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	13	FPL Natural Gas Procurement June 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	14	FPL Heavy Fuel Oil Procurement June 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	15	FPL Natural Gas Procurement July 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	16	FPL Heavy Fuel Oil Procurement July 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	17	FPL Natural Gas Procurement August 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	18	FPL Heavy Fuel Oil Procurement August 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	19	FPL Natural Gas Procurement September 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	20	FPL Heavy Fuel Oil Procurement September 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	21	FPL Natural Gas Procurement October 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	22	FPL Heavy Fuel Oil Procurement October 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	23	FPL Natural Gas Procurement November 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	24	FPL Heavy Fuel Oil Procurement November 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	25	FPL Natural Gas Procurement December 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp
GJY-1	26	FPL Heavy Fuel Oil Procurement December 2010	1	Y	Lines 4-8, Col C-F	(a), (e)	G. Yupp

EXHIBIT D

DOCUMENT NUMBER-DATE

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EXHIBIT D

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost)
Recovery Clause with Generating)
Performance Incentive Factor)

Docket No. 110001-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GERARD J. YUPP

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, Wholesale Operation in the Energy Marketing and Trading Division Department. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of Fuel Hedging Information. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL, which contain or constitute data pertinent to FPL's hedging program. Specifically, the documents contain information regarding FPL's monthly hedging results for natural gas and heavy fuel oil. The disclosure of this trade-secret information would provide other participants in the fuel and financial markets insight into FPL's hedging practices that would allow them to anticipate FPL's trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. This information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they 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

Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 31st day of March 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.

Maritza Miranda-Wise

Notary Public, State of Florida

My Commission Expires:



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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 April 1, 2011, in the above-referenced docket.

Document Number 02147-11 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.