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April 3, 2012

**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

RECEIVED-FPSC  
12 APR -3 PM 3:24  
COMMISSION  
CLERK

**Re: Docket No. 120001-EI**

Dear Ms. Cole:

I enclose for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's First Set of Interrogatories Nos. 1 and 2 and First Request for Production of Documents No. 1. The original includes Exhibit A through 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 table 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 information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C. The operating system is windows XP, and the processing software is word.

Please contact me if you or your Staff has any questions regarding this filing

COM \_\_\_\_\_  
APA 1  
ECR 3 + CD  
GCL 1  
RAD 1  
SRC \_\_\_\_\_  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK MM

\_\_\_\_\_ claim of confidentiality  
\_\_\_\_\_ notice of intent  
 request for confidentiality  
\_\_\_\_\_ filed by OPC  
For DN 02022-12 which is in locked storage. You must be authorized to view this DN.-CLK  
cc: Counsel for Parties of Record (w/encl.)

Sincerely,  
  
John T. Butler

DOCUMENT NUMBER DATE  
**02021 APR -3 2**  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 120001-EI

April 3, 2012

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
IN RESPONSE TO STAFF'S FIRST SET OF INTERROGATORIES AND FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS**

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 provided in response to Staff's First Set of Interrogatories Nos. 1 and 2 and First Request for Production of Documents No. 1 (the "Confidential Discovery Responses") which were served by Staff on March 1, 2012. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's First Set of Interrogatories and First Request for Production of Documents on April 2, 2012, for overnight delivery to Staff on April 3, 2012. This request is being filed contemporaneously with the service of the responses to Staff, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

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

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

b. Exhibit B consists of an edited version of Exhibit A, on which all information that FPL asserts is entitled to confidential treatment has been redacted. Additionally, Exhibit B will also consist of pages identifying the title of the Confidential Discovery Responses and noting that the contents are confidential. Because FPL seeks confidential classification of the

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

entire text of some of the Confidential Discovery Responses, no purpose would be served by reproducing a full redacted version.

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, Senior Director, Wholesale Operations in the Energy Marketing and Trading Division.

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 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. As the affidavit included in Exhibit D indicates, the information provided by FPL concerns bids and other contractual data, which is protected under Section 366.093(3)(d), F.S. Specifically, the documents contain information regarding FPL's coal suppliers, purchase volumes, quality, pricing, and delivery methods. The public disclosure of this information would impair the efforts of FPL to contract for goods or services on favorable terms. The disclosure of this information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available, which protected under Section 366.093(3)(e).

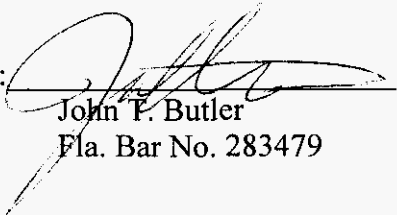
5. Upon a finding by the Commission that the Confidential Discovery Response information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S., pursuant to Section 366.093(4), F.S., such materials should not be declassified for at least eighteen (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 3rd day of April, 2012.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and General Counsel  
John T. Butler, Esq.  
Assistant General Counsel-Regulatory  
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. 120001-EI**

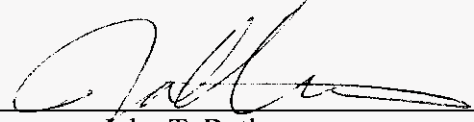
**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of information provided in response to Staff's First Set of Interrogatories and First Request for Production of Documents (\*) has been furnished by hand delivery(\*\*) or United States mail on April 3rd, 2012 to the following:

<p>Martha F. Barrera, Esq.**          Division of Legal Services          Florida Public Service Commission          2540 Shumard Oak Blvd          Tallahassee, Florida 32399-0850</p>	<p>Lisa Bennett, Esq.**          Division of Legal Services          Florida Public Service Commission          2540 Shumard Oak Blvd          Tallahassee, Florida 32399-0850</p>
<p>James D. Beasley, Esq          J. Jeffrey Wahlen, Esq.          Ausley &amp; McMullen          Attorneys for Tampa Electric          P.O. Box 391          Tallahassee, Florida 32302</p>	<p>John T. Burnett, Esq.          Dianne M. Triplett, Esq.          Attorneys for PEF          P.O. Box 14042          St. Petersburg, Florida 33733-4042</p>
<p>Samuel Miller, Capt., USAF          USAF/AFLOA/JACL/ULFSC          139 Barnes Drive, Suite 1          Tyndall AFB, FL 32403-5319          Attorney for the Federal Executive Agencies</p>	<p>Beth Keating, Esq.          Gunster Law Firm          Attorneys for FPUC          215 So. Monroe St., Suite 601          Tallahassee, Florida 32301-1804</p>
<p>Jeffrey A. Stone, Esq.          Russell A. Badders, Esq.          Beggs &amp; Lane          Attorneys for Gulf Power          P.O. Box 12950          Pensacola, FL 32591-2950</p>	<p>James W. Brew, Esq / F. Alvin Taylor, Esq.          Attorney for White Springs          Brickfield, Burchette, Ritts &amp; Stone, P.C          1025 Thomas Jefferson Street, NW          Eighth Floor, West Tower          Washington, DC 20007-5201</p>
<p>Robert Scheffel Wright, Esq.          Gardner, Bist, Wiener, et al., P.A.          Attorneys for Florida Retail Federation          1300 Thomaswood Drive          Tallahassee, FL 32308</p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq.          Keefe, Anchors Gordon &amp; Moyle, P.A.          118 N. Gadsden St.          Tallahassee, FL 32301          Co-Counsel for FIPUG</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

Michael Barrett  
Division of Economic Regulation  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850

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.

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**