



Maria J. Moncada
 Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 561-304-5795
 (561) 691-7135 (Facsimile)
 E-mail: Maria.Moncada@fpl.com

REDACTED

April 11, 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

Re: Docket No. 120001-EI

Dear Ms. Cole:

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

For DN 02194-12, which is in locked storage. You must be authorized to view this DN.-CLK

RECEIVED-FPSC
 12 APR 11 PM 12:11
 COMMISSION CLERK

I enclose for filing in the above docket an original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's Second Set of Interrogatories (No. 13). The original includes Exhibits 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 MS word.

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

Sincerely,

Maria J. Moncada

COM _____
 APA 1
 ECR 3+CD
 GCL 1
 RAD 1
 SRC _____
 ADM _____
 OPC _____
 CLK 1

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

DOCUMENT NUMBER-DATE

02183 APR 11 2012

Florida Power & Light Company
 700 Universe Boulevard, Juno Beach, FL 33408

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 11, 2012

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO STAFF'S SECOND SET OF INTERROGATORIES (NO. 13)**

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 Second Set of Interrogatories (No. 13) (the "Confidential Discovery Responses") which were served by Staff on March 12, 2012. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Second Set of Interrogatories (No. 13) to Staff on April 11, 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.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory basis for the claim of confidentiality and to the affiant who supports 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.

DOCUMENT NUMBER DATE

02183 APR 11 2012

FPSC-COMMISSION CLERK

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 document contains information regarding FPL's coal suppliers and purchase volumes. 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 is 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 Staff's Second Set of Interrogatories (No. 13) described herein.

Respectfully submitted this 11th day of April, 2012.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Assistant General Counsel-Regulatory
Maria J. Moncada, Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135

By: 

Maria J. Moncada
Fla. Bar No. 0773301

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 Second Set of Interrogatories (No. 13) (*) has been furnished by hand delivery(**) or United States mail this 11th day of April, 2012 to the following:

Martha F. Barrera, Esq.**
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

Lisa Bennett, Esq.**
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

James D. Beasley, Esq
J. Jeffrey Wahlen, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Dianne M. Triplett, Esq.
Attorneys for PEF
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Samuel Miller, Capt., USAF
USAF/AFLOA/JACL/ULFSC
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319
Attorney for the Federal Executive Agencies

Beth Keating, Esq.
Gunster Law Firm
Attorneys for FPUC
215 So. Monroe St., Suite 601
Tallahassee, Florida 32301-1804

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, FL 32591-2950

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 20007-5201

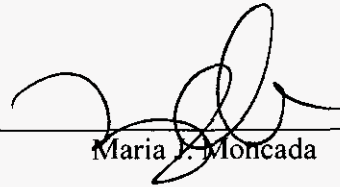
Robert Scheffel Wright, Esq.
Gardner, Bist, Wiener, et al., P.A.
Attorneys for Florida Retail Federation
1300 Thomaswood Drive
Tallahassee, FL 32308

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

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: _____



Maria J. Moncada

* 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

EXHIBIT B

REDACTED COPY

REDACTED

1
2
3
4
5
6
7
8
9 Q.

10 Given current market conditions that appear to favor natural gas generation over coal:

- 11
12 a. Has FPL deferred any coal deliveries scheduled for 2012? If so, please
13 identify the supplier and the quantity of deferred coal.
14
15 b. Has FPL sold any coal it has in inventory? If so, please identify the
16 buyer, the quantity, and the selling price of coal sold.
17

18 A.

19
20 Given the recent reversal in the economics of coal versus natural gas generation, forward
21 projections of coal inventory at Plant Scherer and SJRPP show much higher volumes
22 than normal and in certain scenarios, physical limitations of the storage capability at each
23 site being reached. While this appears to be somewhat short-term in nature, FPL along
24 with the other co-owners have evaluated several options aimed at mitigating potential
25 oversupply problems. To-date, the following actions have been taken, with the situation
26 continuing to be monitored.
27

28
29 a. Yes.

30
31 The following coal deliveries scheduled for 2012 have been deferred by Georgia Power
32 Company/Southern Company Services on behalf of the Plant Scherer Co-Owners
33 including FPL:

34
35 [REDACTED] - [REDACTED] total tons deferred to 1Q CY 2013; [REDACTED] tons to FPL's
36 account

37
38 [REDACTED] - [REDACTED] total tons deferred to CY 2013; [REDACTED] tons to FPL's
39 account.

40
41 The following coal delivery scheduled for 2012 has been deferred by JEA on their own
42 behalf and as agent for FPL:

43
44 [REDACTED]; [REDACTED] tons deferred to CY 2014; [REDACTED] tons to FPL's account via
45 ownership & purchased power.
46

47 b. No.

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 120001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause
SUBJECT: Staff's Second Set of Interrogatories No. 13
DATE: April 11, 2012

Interrogatory No.	Page No.	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection	AFFIANT
13	1 of 1	Y	Lines 35, 38 & 44	(d), (e)	G. Yupp

EXHIBIT D

AFFIDAVIT

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 120001-EI

April 11, 2012

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

2. I have reviewed the information included in Exhibit A to FPL's Request for Confidential Classification to Staff's Second Set of Interrogatories No. 13. The information in Exhibit A which is asserted by FPL to be proprietary confidential business information concerns bids and other contractual data, the public disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the information contained in the Confidential Discovery Response identifies FPL's coal suppliers and purchase volumes. This information also relates to competitive interests, the disclosure of which would place FPL at a competitive disadvantage when coupled with other information that is publicly available.

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 11th day of April 2012, 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:

