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

12 MAY 30 PM 12:00

COMMISSION
CLERK

May 30, 2012

VIA HAND DELIVERY

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

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

For DN 0344612, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 120007-EI
Request for Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification of Information in Response to Staff's Third Set of Interrogatories Nos. 30 and 34. The original includes Exhibits A through D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification table supporting its Request for Confidential Classification. Exhibit D contains two affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

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

COM _____
APA _____
ECR 3+CD
GCL _____
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ADM _____
OPC _____
CLK _____

Sincerely,

for Maria J. Moncada
Attorney for
Florida Power & Light Company

Enclosures
cc: parties of record, w/out exhibits

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

DOCUMENT NUMBER DATE

03445 MAY 30 12

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause

Docket No: 120007-EI

Date: May 30, 2012

**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN
INFORMATION IN RESPONSE TO STAFF OF THE FLORIDA PUBLIC
SERVICE COMMISSION'S THIRD SET OF INTERROGATORIES NOS. 30 AND 34**

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 in response to Staff of the Florida Public Service Commission's ("Staff's") Third Set of Interrogatories Nos. 30 and 34. In support of its Request, FPL states as follows:

1. FPL is filing contemporaneously with this request its non-confidential answer to Staff's Third Set of Interrogatories Nos. 30 and 34. Certain information contained FPL's answers to Nos. 30 and 34 is confidential. Accordingly, 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 the confidential answers to Interrogatories Nos. 30 and 34 on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of a copy of the confidential answers to Interrogatories Nos. 30 and 34 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 bases for the claim of confidentiality and to the affiants who support the requested confidential classification.

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FPSC-COMMISSION CLERK

d. Exhibit D consists of the affidavits of John Hamp and Vincent Scrima 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 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 affidavits included in Exhibit D indicates, the information provided by FPL contains information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL and its counterparties to contract for goods or services on favorable terms. This information is protected under Section 366.093(3)(d), F.S. Additionally, this information relates to competitive interests, the disclosure of which would impair the competitive business of FPL and the provider of the information, which is protected under Section 366.093(3)(e), F.S.

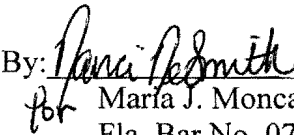
5. Upon a finding by the Commission that the Confidential Information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S., such materials should not be declassified for at least eighteen (18) months and should be returned

to FPL as soon as the information is no longer necessary for the Commission to conduct its business. §366.093(4), F.S.

WHEREFORE, FPL respectfully requests confidential classification in response to Staff's Third Set of Interrogatories Nos. 30 and 34.

Respectfully submitted this 30th day of May, 2012.

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) 304-5639
Facsimile: (561) 691-7135

By: 
for Maria J. Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE
Docket No. 120007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential* has been furnished by Hand Delivery** and/or By U.S. Mail this 30th day of May, 2012 to the following:

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

J. R Kelly, Esq
Patricia Christensen, Esq.
Charles Rehwinkel, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 W Madison St. Room 812
Tallahassee, FL 32399-1400

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

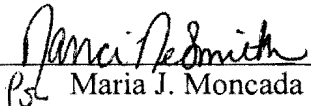
John T. Burnett, Esq.
Dianne Triplett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

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

Jon C. Moyle, Esq.
Vicki Kaufman, Esq.
Co-Counsel for FIPUG
Keefe, Anchors, Gordon & Moyle, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301

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

Gary V. Perko, Esq.
Hopping Green & Sams
P.O Box 6526
Tallahassee, FL 32314
Attorneys for Progress Energy Florida



ps Maria J. Moncada
Fla. Bar No. 0773301

*Exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

EXHIBIT B – REDACTED

COM _____
APA _____
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DOCUMENT NUMBER

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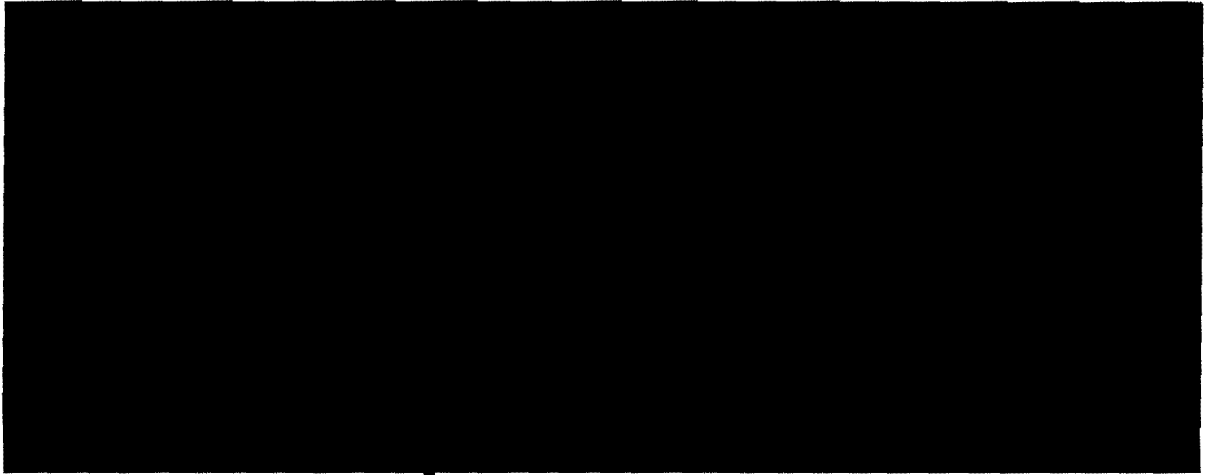
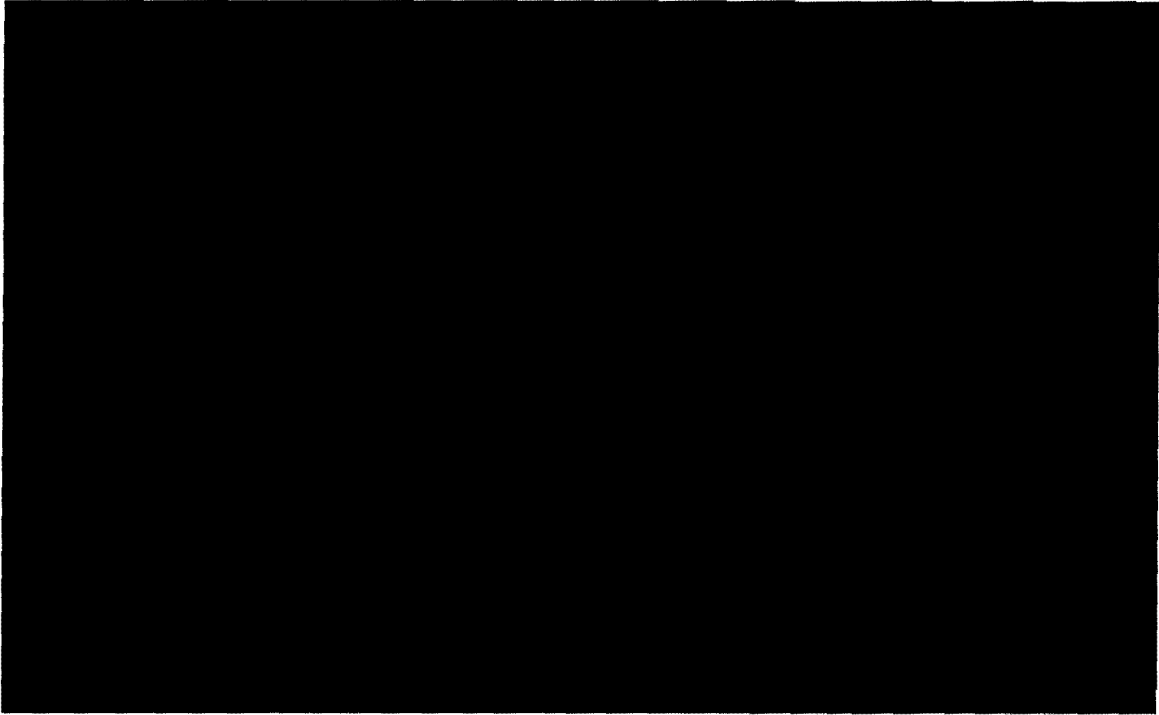
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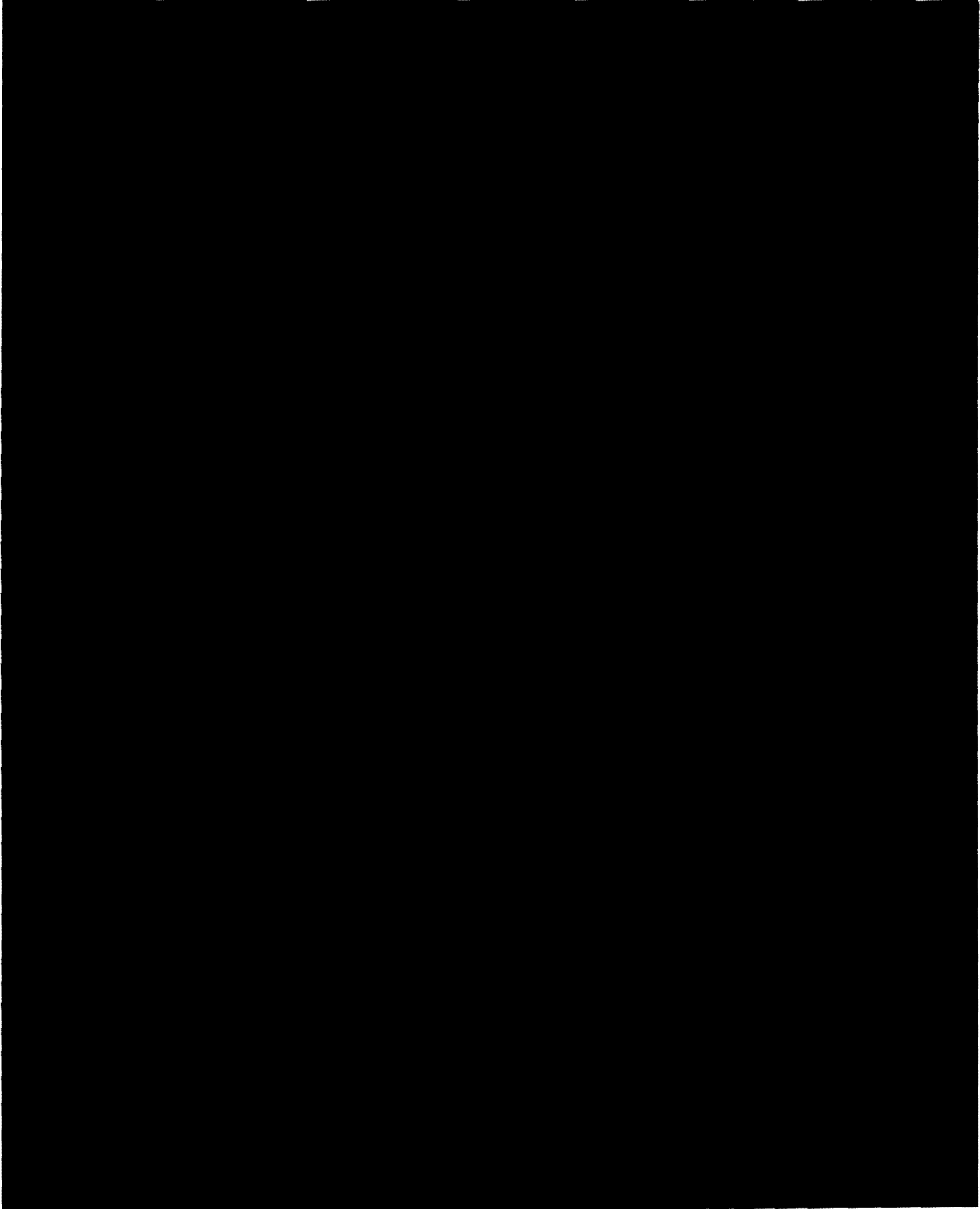
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1 **CONFIDENTIAL**

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4 **Florida Power & Light Company**
5 **Docket No. 120007-EI**
6 **Staff's Third Set of Interrogatories**
7 **Question No. 34**
8 **Page 3 of 4**

- 9
10
- 11 (f) Estimated average annual gypsum production from Unit 4 is ██████ tons for FPL's
12 ownership share.
- 13 (g) For the gypsum waste disposal facility, the number of years to disposal capacity for
14 gypsum varies greatly due to generation at the plant and possible future reclamation of
15 gypsum for beneficial use. Current projections indicate 25 years of disposal capacity for
16 gypsum.
- 17 (h) Total life cycle of the landfill (including the gypsum cells) includes initial permitting
18 through a future release from post-closure care. The landfill was permitted on September
19 4, 2009. Once the entire landfill is at capacity, one year of closure construction, and a
20 minimum 30 years of post-closure care is required.
- 21 (i) During Conceptual Design, a mechanical dewatering plant and dry gypsum storage barn
22 were considered; however, it was decided not to market gypsum from Plant Scherer at the
23 time. Space has been reserved in the Plant General Arrangement to add such a facility in
24 the future if required by regulations or if it is decided to market the gypsum from Plant
25 Scherer and such capital investments are cost effective.
- 26 (j) The requirement to install a scrubber (FGD) on Plant Scherer Unit 4 is listed in the State
27 of Georgia Rules for Air Quality Control Chapter 391-3-1-.02 (sss) (Multipollutant
28 Control for Electric Utility Steam Generating Units).
- 29 (k) Because of the requirements of Georgia's Multipollutant Rule, installation of a scrubber
30 (FGD) on Unit 4 was required. Therefore, it was also necessary to provide a storage and
31 disposal option for gypsum prior to EPA's promulgation of the Mercury and Air Toxics
32 rule. After considering alternative options (see response to (i) above), construction of the
33 gypsum disposal facility was the preferred option. Costs for construction of the landfill
34 could not be avoided unless and until a market for the plant's output of all FGD scrubber
35 byproduct could be developed to ensure long term sale or use from all 4 Scherer Units
36 could be arranged for the estimated remaining life of the plant.
- 37 (l) Yes, the gypsum disposal facility is currently permitted as a solid waste landfill by the
38 Georgia Environmental Protection Division. There is much uncertainty surrounding
39 EPA's proposed rule, given that EPA proposed regulation under either Subtitle C or
40 Subtitle D. The gypsum disposal facility generally meets EPA's proposed Subtitle D
- 41
42

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 120007-EI
DOCKET TITLE: Environmental Cost Recovery Clause
SUBJECT: Staff's Third Set of Interrogatories Nos. 30 & 34
DATE: May 30, 2012

Interrogatory No.	Page No.	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection	AFFIANT
30	Attachments I, Pages 1 through 4	Y	All	(d),(e)	V. Scrima
34	3	Y	Line 11	(d),(e)	J. Hampp

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause

Docket No: 120007-EI

Date: May 30, 2012

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF VINCENT SCRIMA

BEFORE ME, the undersigned authority, personally appeared Vincent Scrima who, being first duly sworn deposes and says:

1. My name is Vincent Scrima. I am currently employed by NextEra Energy Resources, LLC as Manager of Cost and Performance in the Project Controls Department. I have personal knowledge of the matters stated in this affidavit.

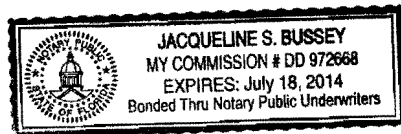
2. I have reviewed the information included in Exhibit A to FPL's Request for Confidential Classification. The information in Exhibit A which is asserted by FPL to be proprietary confidential business information contains information concerning bid or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Additionally, the information provided also relates to the competitive interests, the disclosure of which would impair the competitive business of FPL's counter-party. Specifically, the information relates to a contractual agreement between FPL and Lauren Engineers & Constructors at Martin Solar Energy Center. To the best of my knowledge, FPL has maintained the confidentiality of the information in Exhibit A which is asserted by FPL to be proprietary confidential business information.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, the document containing the proprietary confidential business information 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 that information.

4. Affiant says nothing further.

[Handwritten signature of Vincent Scrima]
Vincent Scrima

SWORN TO AND SUBSCRIBED before me this 29th day of May, 2012 by Vincent Scrima, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.



[Handwritten signature of Jacqueline S. Bussey]

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause

Docket No: 120007-EI
Date: May 30, 2012

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF JOHN HAMPP


BEFORE ME, the undersigned authority, personally appeared John Hampp who, being first duly sworn deposes and says:

1. My name is John Hampp. I am currently employed by Florida Power & Light Company ("FPL") as Environmental Service Manager. 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. The information in Exhibit A which is asserted by FPL to be proprietary confidential business information contains information concerning bid or other contractual data, the disclosure of which would impair the efforts of FPL/Georgia Power to contract for goods or services on favorable terms. Specifically, the information relates to annual gypsum production related to FPL's ownership share of Scherer Unit 4. Additionally, this information relates to the competitive interests, the disclosure of which would impair the competitive business of FPL's and Georgia Power Company. To the best of my knowledge, FPL has maintained the confidentiality of the information in Exhibit A which is asserted by FPL to be proprietary confidential business information.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, the document containing the proprietary confidential business information 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 that information.

4. Affiant says nothing further.


John Hampp

SWORN TO AND SUBSCRIBED before me this 29th day of May, 2012 by John Hampp, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires:

