



John T. Butler
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August 31, 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

Re: Docket No. 120001-EI

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Florida Power and Light Company's Request for Confidential Classification of certain information contained in Schedule E12 of Appendix V to the prepared testimony of FPL witness Terry J. Keith. The original includes Exhibits A through D. The seven copies do not include copies of the exhibits.

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 CD containing FPL's Request for Confidential Classification and Exhibit C in Microsoft Word format.

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

Sincerely,

for John T. Butler

DOCUMENT NUMBER-DATE
05960 AUG 31 12
FPSC-COMMISSION CLERK

RECEIVED -FPSC
12 AUG 31 PM 3:36
COMMISSION
CLERK

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

For DN 05961-12 which is in locked storage. You must be authorized to view this DN.-CLK

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AFD 2+CD
APA _____
ECO _____
ENG _____
GCL _____
IDM _____ Enclosures
TEL _____ cc: parties of record, w/o exhibits
CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and purchase power cost recovery
clause with generating performance incentive
factor

Docket No: 120001-EI

Date: August 31, 2012

**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CAPACITY
PAYMENTS TO NON-COGENERATORS IDENTIFIED IN SCHEDULE E12**

Pursuant to Section 366.093 of the Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information contained in Schedule E12 of Appendix V to the prefiled testimony of FPL witness Terry J. Keith (the "Confidential Information"). In support of its Request, FPL states as follows:

1. On August 31, 2012, FPL submitted the prefiled testimony of FPL witness Terry J. Keith in this docket. Schedule E12 of Appendix V to the testimony contains information regarding FPL's capacity payments to specific non-cogenerator counterparties, which is of a confidential nature. This Request seeks confidential classification of the Confidential Information consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a highlighted copy of Schedule E12 in which all of the confidential information has been highlighted.

b. Exhibit B consists of two copies of the redacted Schedule E12 in which all of the Confidential Information has been redacted.

c. Exhibit C is a table containing an identification of the Confidential Information, 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 is the affidavit of Gerard J. Yupp in support of this request.

DOCUMENT NUMBER-DATE

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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), Florida Statutes (“Section 366.093(3)”). 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 hard of disclosure against the public interest in access to the information.

4. FPL seeks confidential protection for the highlighted information contained in Schedule E12, which identifies capacity payments to non-cogenerators. The highlighted information consists of contractual data about FPL’s capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL’s marketing and procurement practices and impair FPL’s ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. The highlighted information also includes data concerning a specific proposed capacity contract. Such information is protected by Section 366.093(3)(d). This information also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity. The disclosure of this information would impair their competitive businesses. Such information is protected by Section 366.093(3)(e).

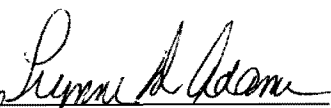
5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information should not be declassified for at least eighteen (18) months and should be returned to FPL as

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

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Information contained in Schedule E12.

Respectfully submitted,

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

By: 
for 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 Capacity Payments to Non-Cogenerators Identified in Schedule E12*has been furnished by hand delivery (**) or United States mail this 31st day of August, 2012, to the following:

Martha F. Barrera, Esq.**
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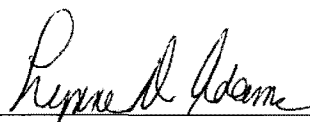
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Michael Barrett
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Florida Public Service Commission
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Tallahassee, Florida 32399-0850
mbarrett@psc.state.fl.us

By: 
for John T. Butler
Fla. Bar No. 283479

*Exhibits to this Request are not included with the service copies, but a redacted version of Exhibit B is included with the testimony of Mr. Keith that is being served on all parties, and copies of Exhibits C and D are available upon request.

EXHIBIT B

FACTORY

COM	_____
AFD	_____
APA	_____
ECO	_____
ENG	_____
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FPSC-COMMISSION CLERK

EXHIBIT C

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET NO.: 120001-EI
DOCKET TITLE: Levelized Fuel Cost Recovery and Capacity Cost Recovery
SUBJECT: Schedule E12 Capacity Payments to Non-Cogenerators
DATE: August 31, 2011

Description	Conf Y/N	Line Nos.	Florida Statute 366.093(3) Subsection	Affiant
Capacity Payments Schedule E 12	Yes	Col. C-N Lines 28-31	(d),(e)	G. Yupp

EXHIBIT D

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

Date: August 31, 2012

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GERARD J. YUPP

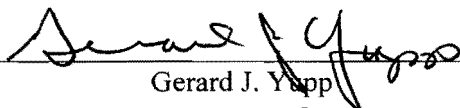
BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

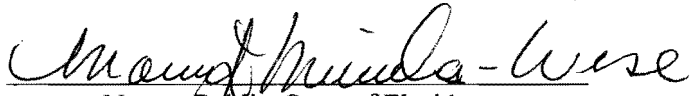
2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of capacity payments to non-cogenerators identified in Schedule E12. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information comprise information concerning contractual data about FPL's capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL's marketing and procurement practices and impair FPL's ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. The information contained in Schedule E12 also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

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

SWORN TO AND SUBSCRIBED before me this 24th day of August 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.


Notary Public, State of Florida

My Commission Expires:

