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 Florida Power & Light Company
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RECEIVED-FPSC
 12 NOV 29 PM 12: 52
 COMMISSION
 CLERK

November 29, 2012

VIA HAND DELIVERY

Ms. Ann Cole, Director
 Division of the Commission Clerk and
 Administrative Services
 Florida Public Service Commission
 Betty Easley Conference Center, Room 110
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850

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

For DN 07910-12, which
 is in locked storage. You must be
 authorized to view this DN.-CLK

**Re: Florida Power & Light Company's Request for Confidential Classification of
 Certain Material Provided in Connection with the Monthly Fuel Filings
Docket No. 120001-EI**

Dear Ms. Cole:

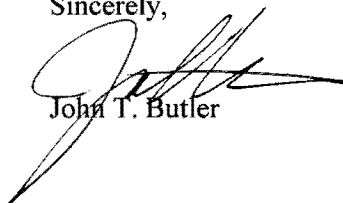
I enclose and hand you herewith for filing in the above-referenced matter, an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A - CONFIDENTIAL. Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been redacted. Attachment C contains FPL's justification for its 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.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,



John T. Butler

COM _____
 AFD 2+CD
 APA _____
 ECO _____
 ENG _____
 GCL _____ Enclosures
 IDM _____ ec: Service List (w/out attachments)
 TEL _____
 CLK _____ Florida Power & Light Company

DOCUMENT NUMBER DATE

07909 NOV 29 12

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)
_____)

DOCKET NO. 120001-EI
FILED: November 29, 2012

REQUEST FOR CONFIDENTIAL CLASSIFICATION

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company (“FPL”) and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission (“FPSC” or “Commission”) Forms 423-2, 423-2(a) and 423-2(b) for September/August 2012 submitted in Docket No. 120001-EI. In support of its Request, FPL states as follows:

1. Petitioner’s principal business address is as follows:

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

Orders, notices, or other pleadings related to this request should be served on:

Kenneth Hoffman
Vice President Regulatory Support
Florida Power & Light Company
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301-1858
(850) 521-3919
(850) 521-3939 Fax
Email: Ken.Hoffman@fpl.com

John T. Butler
Assistant General Counsel - Regulatory
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
(561) 691-7135 Fax
Email: John.Butler@fpl.com

2. The following attachments are included herewith and made a part hereof:
 - a. Attachment A includes the complete and unedited version of St. Johns River Power Park's (SJRPP) September, 2012 Forms 423-2, 423-2(a) and 423-2(b) and R. W. Scherer's (Plant Scherer) August, 2012 Forms 423-2, 423-2(a) and 423-2(b) which contain certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "CONFIDENTIAL."
 - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been redacted in Attachment B.
 - c. Attachment C identifies information for which confidential treatment is sought and, with regard to each item or type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.

3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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. The statutory bases and support for FPL's assertion of confidentiality with regard to specific items or types of information are set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for eighteen (18) months, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,



JOHN T. BUTLER
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Florida Bar No. 283479
Attorney for Florida Power & Light Company
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Fax: (561) 691-7135
Email: John.Butler@fpl.com

CERTIFICATE OF SERVICE
120001-EI

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of Florida Power & Light Company's Request for Confidential Classification, without attachments*, has been served via hand delivery** and/or first class mail, postage prepaid to the parties listed below, this 29th day of November, 2012:

Martha F. Barrera, Senior Attorney**
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mbarrera@psc.state.fl.us

Lisa Bennett, Esq.**
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Florida Public Service Commission
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jbrew@bbrslaw.com
ataylor@bbrslaw.com

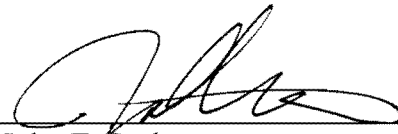
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Michael Barrett, Esq.
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Florida Public Service Commission
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mbarrett@psc.state.fl.us

By: _____



John T. Butler
Fla. Bar No. 283479

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

ATTACHMENT “A”

**CONFIDENTIAL
FILED UNDER SEPARATE COVER**

SJRPP’S FPSC FORMS

423-2

423-2 (a)

423-2 (b)

R.W. SCHERER FPSC FORMS

423-2

423-2 (a)

423-2 (b)

ATTACHMENT “B”

EDITED VERSION

SJRPP’S FPSC FORMS

423-2

423-2 (a)

423-2 (b)

R.W. SCHERER FPSC FORMS

423-2

423-2 (a)

423-2 (b)

**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
ORIGIN, TONNAGE, DELIVERED PRICE AND AS RECEIVED QUALITY**

1. Report For Month/Yr: **September 2012**

4. Name, Title & Telephone Number of Contact
Person Concerning Data Submitted on this Form: **Terry Keith (305-552-4334)**

2. Reporting Company: **Florida Power & Light**

5. Signature of Official Submitting Report:

Terry Keith

3. Plant Name: **St. Johns River Power Park (SJRPP)**

6. Date Completed:

October 8, 2012

Line No.	Supplier Name	Mine Location	Purchase Type	Transportation Mode	Tons	Effective Purchase Price (\$/Ton)	Total Trans Cost (\$/Ton)	FOB Plant Price (\$/Ton)	As Received Coal Quality			
									Sulfur Content (%)	Btu Content (%)	Ash Content (%)	Moisture Content (%)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)
1	Coal Marketing Company	45,IM,999	LTC	OC	39,309			81.91	0.59	10,703	11.17	13.44
2	Prosperity	,IN,	LTC	UR	16,214			77.23	1.84	11,406	7.40	15.01

EDITED COPY


**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
DETAIL OF INVOICE PURCHASE PRICE**

1. Report For Month/Yr: **September 2012**

4. Name, Title & Telephone Number of Contact
Person Concerning Data Submitted on this Form: **Terry Keith (305-552-4334)**

2. Reporting Company: **Florida Power & Light**

5. Signature of Official Submitting Report:



3. Plant Name: **St. Johns River Power Park (SJRPP)**

6. Date Completed: **October 8, 2012**

Line No.	Supplier Name	Mine Location	Purchase Type	Tons	FOB Mine Price (\$/Ton)	Short Haul & Loading Charge	Original Invoice Price (\$/Ton)	Retro-active Price Increases (\$/Ton)	Base Price (\$/Ton)	Quality Adjustments (\$/Ton)	Effective Purchase Price (\$/Ton)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
1	Coal Marketing Company	45,IM,999	LTC	39,309		0.00		0.00		0.00	
2	Prosperity	,IN,	LTC	16,214		0.00		0.00		0.00	

EDITED COPY

**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
DETAIL OF TRANSPORTATION CHARGES**

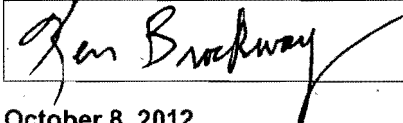
1. Report For Month/Yr: **September 2012**

4. Name, Title & Telephone Number of Contact

Person Concerning Data Submitted on this Form: **Terry Keith (305-552-4334)**

2. Reporting Company: **Florida Power & Light**

5. Signature of Official Submitting Report:



3. Plant Name: **St. Johns River Power Park (SJRPP)**

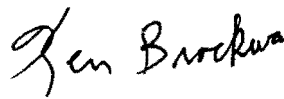
6. Date Completed:

October 8, 2012

Line No.	Supplier Name	Mine Location	Shipping Point	Transportation Mode	Tons	Effective Purchase Price (\$/Ton)	Short Haul & Loading Charge (\$/Ton)	Rail Charges		Waterborne Charges				Total Transport Charges (\$/Ton)	FOB Plant Price (\$/Ton)	
								Rail Rate (\$/Ton)	Other Rail Charges (\$/Ton)	River Barge Rate (\$/Ton)	Trans-loading Rate (\$/Ton)	Ocean Barge Rate (\$/Ton)	Other Water Charges (\$/Ton)			Related Charges (\$/Ton)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
1	Coal Marketing Company	45,IM,999	EL CERREJON	OC	39,309		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		81.91
2	Prosperity	,IN,	PROSPERITY MI	UR	16,214		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		77.23

EDITED COPY

**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
ORIGIN, TONNAGE, DELIVERED PRICE, AND AS RECEIVED QUALITY**

- | | | | | |
|-----------------------|-------------------------------|-------|------|---|
| 1. Reporting Month: | August | Year: | 2012 | 4. Name, Title & Telephone Number of Contact Person Concerning Data Submitted on this Form: Terry Keith (305) 552-4334 |
| 2. Reporting Company: | FLORIDA POWER & LIGHT COMPANY | | | 5. Signature of Official Submitting Report:  |
| 3. Plant Name: | R.W.SCHERER | | | 6. Date Completed: 07-Nov-12 |

Line No. (a)	Supplier Name (b)	Mine Location (c)	Purchase Type (d)	Transport Mode (e)	Tons (f)	Purchase Price (\$/Ton) (g)	Effective Transport Charges (\$/Ton) (h)	Total FOB Plant Price (\$/Ton) (i)	Sulfur Content (%) (j)	Btu Content (Btu/lb) (k)	Ash Content (%) (l)	Moisture Content (%) (m)
(1)	COAL SALES, LLC	19/WY/5	S	UR	41,895.34			41.933	0.23	8,750	4.69	27.11
(2)	BUCKSKIN MINING CO	19/WY/5	S	UR	16,662.63			39.591	0.37	8,337	4.92	29.97
(3)	ALPHA COAL WEST, INC	19/WY/5	S	UR	6,236.35			40.677	0.25	8,562	4.03	29.47
(4)	ALPHA COAL WEST, INC	19/WY/5	S	UR	39,994.00			37.719	0.38	8,317	4.82	30.32
(5)	KENNECOTT COAL SALE	19/WY/5	S	UR	27,498.13			39.045	0.31	8,423	5.13	29.59

EDITED COPY

**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
DETAILED PURCHASED COAL INVOICE INFORMATION**

1. Reporting Month: **August** Year: **2012**
 2. Reporting Company: **FLORIDA POWER & LIGHT COMPANY**
 3. Plant Name: **R.W.SCHERER**

4. Name, Title & Telephone Number of Contact Person Concerning Data
 Submitted on this Form: Terry Keith
 (305) 552-4334

5. Signature of Official Submitting Report: *Ken Brockway*

6. Date Completed: 07-Nov-12

<u>Line No.</u> (a)	<u>Supplier Name</u> (b)	<u>Mine Location</u> (c)	<u>Purch. Type</u> (d)	<u>Tons</u> (e)	<u>FOB Mine Price (\$/Ton)</u> (f)	<u>Shorthaul & Loading Charges (\$/Ton)</u> (g)	<u>Original Invoice Price (\$/Ton)</u> (h)	<u>Retroactive Price Increase (\$/Ton)</u> (i)	<u>Base Price (\$/Ton)</u> (j)	<u>Quality Adjustments (\$/Ton)</u> (k)	<u>Effective Purchase Price (\$/Ton)</u> (l)
(1)	COAL SALES, LLC	19/WY/5	S	41,895.34		-		-		0.046	
(2)	BUCKSKIN MINING CO	19/WY/5	S	16,662.63		-		-		(0.712)	
(3)	ALPHA COAL WEST, INC	19/WY/5	S	6,236.35		-		-		(1.033)	
(4)	ALPHA COAL WEST, INC	19/WY/5	S	39,994.00		-		-		(0.731)	
(5)	KENNECOTT COAL SALE:	19/WY/5	S	27,498.13		-		-		0.037	

EDITED COPY

MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS
 DETAILED TRANSPORTATION INVOICE INFORMATION

1. Reporting Month: August Year: 2012
 2. Reporting Company: FLORIDA POWER & LIGHT COMPANY
 3. Plant Name: R.W.SCHERER

4. Name, Title & Telephone Number of Contact Person Concerning Data
 Submitted on this Form: Terry Keith
 (305) 552-4334
 5. Signature of Official Submitting Report: *Ken Brookings*
 6. Date Completed: 07-Nov-12

Line No.	Supplier Name	Mine Location	Shipping Point	Transport Mode	Tons	Effective Purchase Price (\$/Ton)	Additional Shorthaul & Loading Charges (\$/Ton)	Rail Charges		Waterborne Charges				Other Related Charges (\$/Ton)	Total Transportation Charges (\$/Ton)	FOB Plant Price (\$/Ton)
								Rail Rate (\$/Ton)	Other Rail Charges (\$/Ton)	River Barge Rate (\$/Ton)	Trans-loading Rate (\$/Ton)	Ocean Barge Rate (\$/Ton)	Other Water Charges (\$/Ton)			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
(1)	COAL SALES, LLC	19/WY/5	NACCO JCT, WY	UR	41,895.34	-	-	-	-	-	-	-	-	-	-	41.933
(2)	BUCKSKIN MINING CO	19/WY/5	BUCKSKIN JCT, W	UR	16,662.63	-	-	-	-	-	-	-	-	-	-	39.591
(3)	ALPHA COAL WEST, INC	19/WY/5	BELLE AYR, WY	UR	6,236.35	-	-	-	-	-	-	-	-	-	-	40.677
(4)	ALPHA COAL WEST, INC	19/WY/5	EAGLE BUTTE, W	UR	39,994.00	-	-	-	-	-	-	-	-	-	-	37.719
(5)	KENNECOTT COAL SAL	19/WY/5	CORDERO JCT, W	UR	27,498.13	-	-	-	-	-	-	-	-	-	-	39.045

EDITED COPY

Justification for Confidentiality for St. Johns River Power Park (SJRRP) Report of September 2012:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-2	G, H	(1)
423-2	1-2	H	(2)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price “would impair the efforts of [JEA, acting on its own behalf and as agent for FPL] to contract for goods or services [at the St. Johns River Power Park (SJRRP)] on favorable terms.” Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRRP is paying for coal. Disclosure of this information, which is particularly sensitive given SJRRP’s reliance on long term contracts with fixed price provisions or short term spot transactions, could adversely affect FPL’s interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column H by subtracting the effective purchase price from the delivered price at the transfer facility, shown in Column I.

- (2) Disclosure of the total transportation cost “would impair the efforts of [JEA acting on its own behalf and as agent for FPL] to contract for goods or services [at SJRRP] on favorable terms.” Section 366.093(3)(d), Fla Stat. Moreover, the service provider itself typically designates the transportation costs in the contract as confidential. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Further, disclosure of this information would enable potential coal suppliers to calculate Column G which FPL seeks to protect by subtracting Column H from Column I.

Justification for Confidentiality for St. Johns River Power Park (SJRRP) Report of September 2012:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(a)	1-2	F	(1)
423-2(a)	1-2	H	(1)
423-2(a)	1-2	J	(1)

423-2(a) 1-2 L (2)

Rationale for Confidentiality:

- (1) The information presented in these columns are algebraic derivations of the information in column L that FPL seeks to protect.
- (2) Disclosure of the effective purchase price “would impair the efforts of [JEA, acting on its own behalf and as agent for FPL] to contract for goods or services [at the St. Johns River Power Park (SJRPP)] on favorable terms.” Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information could adversely affect FPL’s interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column H on Form 423-2, which FPL seeks to protect, by subtracting the effective purchase price from the delivered price at the transfer facility shown in Column I on Form 423-2.

Justification for Confidentiality for St. Johns River Power Park (SJRPP) Report of September 2012:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(b)	1-2	G	(1)
423-2(b)	1-2	I	(2)
423-2(b)	1-2	P	(2)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price “would impair the efforts of [JEA, acting on its own behalf and as agent for FPL] to contract for goods or services [at the St. Johns River Power Park (SJRPP)] on favorable terms.” Section 366.093(3)(d), Fla. Stat. The data informs other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information, which is particularly sensitive given SJRPP’s reliance on long term contracts with fixed price provisions or short term spot transactions, could adversely affect FPL’s interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Additionally, providing the purchase price would enable one to ascertain the total transportation charges in Column P, which FPL seeks to protect, by subtracting the effective purchase price from the delivered price at the transfer facility shown

in Column Q.

- (2) Disclosure of the total transportation cost “would impair the efforts of [JEA acting on its own behalf and as agent for FPL] to contract for goods or services [at SJRPP] on favorable terms.” Section 366.093(3)(d), Fla Stat. Moreover, the service provider itself typically designates the transportation costs in the contract as confidential. JEA maintains this information as confidential pursuant to section 163.01(15)(m), Fla. Stat. Further, disclosure of this information would enable potential coal suppliers to calculate Column G which FPL seeks to protect, by subtracting Column P from Column Q.

Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of August 2012:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-5	G, H	(1)

Rationale for Confidentiality:

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL’s disclosure of BNSF transportation rate information on FPL’s Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company (“GPC”) and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would “impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms” and would “impair the competitive business of” BNSF.

Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of August 2012:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(a)	1-5	F, H, J, L	(1)

Rationale for Confidentiality:

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL's disclosure of BNSF transportation rate information on FPL's Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company ("GPC") and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would "impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms" and would "impair the competitive business of" BNSF.

Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of August 2012:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(b)	1-5	G, I, P	(1)

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