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April 5, 2013

- 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

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

Re: Docket No. 130001-EI

For DN 01727-13, which is in locked storage. You must be authorized to view this DN.-CLK

Dear Ms. Cole:

I enclose for filing in the above docket the following:

1. The original and fifteen (15) copies of the prefiled testimony and exhibits of FPL witness Gerard Yupp. Mr. Yupp's testimony provides and supports the information on FPL's 2012 fuel hedging results that is required by Item 5 of the Resolution of Issues approved by the Commission in Order No. PSC-02-1484-FOF-EI, Docket No. 011605-EI.

2. The original and seven (7) copies of FPL's Request for Confidential Classification of Fuel Hedging Confidential Information. The original includes Exhibits A, B, C and 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 for its request for confidential classification. Exhibit D is 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 the information in Attachment A pending disposition of FPL's request for Confidential Classification. Also included herewith is a CD containing electronic files of FPL's Request for Confidential Classification of Fuel Hedging Confidential Information and Exhibit C, in Microsoft Word format.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

John T. Butler

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

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DOCUMENT NUMBER-DATE

01726 APR-5 13

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 130001-EI
Filed: April 5, 2013

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CERTAIN FUEL HEDGING INFORMATION**

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 regarding fuel hedging activities and market comparisons that is contained in Exhibit GJY-1 to the prefiled testimony of Gerard J. Yupp (the "Fuel Hedging Confidential Information"). In support of its Request, FPL states as follows:

1. On April 5, 2013, FPL filed the testimony of Gerald J. Yupp, including Exhibit GJY-1, in support of its August 2012 through December 2012 Hedging Activity True-up Report. That testimony and exhibit contain information of a confidential nature. 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 Exhibit GJY-1, in which all of the Fuel Hedging Confidential Information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of a copy of Exhibit GJY-1 in which all of the Fuel Hedging Confidential Information that FPL asserts is entitled to confidential treatment has been redacted.

DOCUMENT NUMBER-DATE

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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 affiant who supports the requested confidential classification.

d. Exhibit D consists of the affidavit of Gerard J. Yupp 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 affidavit included in Exhibit D indicates, the information provided by FPL contains trade secrets, which are protected under Section 366.093(3)(a), F.S. Specifically, the documents contain information regarding FPL's monthly hedging results for natural gas and heavy fuel oil. The disclosure of this trade-secret information would provide other participants in the fuel and financial markets insight into FPL's hedging practices that would allow them to anticipate FPL's trading decisions and/or impair FPL's ability to negotiate for these commodities, to the detriment of FPL and its customers.

5. In addition, the confidential information relates to FPL's competitive interests. The public 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), F.S.

6. Upon a finding by the Commission that the Fuel Hedging 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 of the Fuel Hedging Confidential Information described herein.

Respectfully submitted this 5th day of April, 2013.

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By: 

Maria J. Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE
Docket No. 130001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of the Fuel Hedging Information (*) has been furnished by hand delivery (**) or the United States Mail on this 5th day of April 2013 to the following:

Martha F. Barrera, Esq.**
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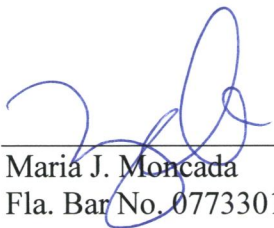
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By: 

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* The exhibits to this Request are not included with the service copies, but a redacted version of Exhibit GJY-1 (Exhibit B) is included with the testimony of Mr. Yupp that is being served on all parties, and copies of Exhibits C and D are available upon request.

EXHIBIT A

CONFIDENTIAL

FILED UNDER SEPARATE COVER