



claim of confidentiality  
 notice of intent  
 request for confidentiality  
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April 29, 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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**Re: Docket No. 130001-EI**

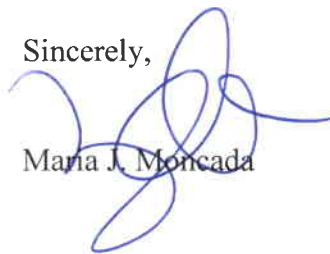
Dear Ms. Cole:

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 Information Provided in Response to Staff's Fourth Set of Interrogatories (No. 37). The original includes Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all the 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 is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains one affidavit 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, in Microsoft Word format.

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

Sincerely,



Maria J. Moncada

COM  
 AFD 3<sup>cc</sup>  
 APA  
 ECO  
 ENG  
 GCL  
 IDM  
 TEL  
 CLK

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 130001-EI

April 29, 2013

**REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF INFORMATION PROVIDED IN RESPONSE  
TO STAFF'S FOURTH SET OF INTERROGATORIES No. 37**

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 Fourth Set of Interrogatories No. 37 (the "Confidential Discovery Responses") which were propounded by Staff on March 29, 2013. In support of its request, FPL states as follows:

1. FPL served its responses to Staff's Fourth Set of Interrogatories Staff on April 29, 2013. 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. Where entire pages of a Confidential Discovery Response are confidential, FPL has included only identifying cover pages in Exhibit B, as no purpose would be served by reproducing a full redacted version of those documents.

c. Exhibit C is a table that identifies the specific line and page references to the confidential materials for which FPL seeks confidential treatment. The table also references

the specific statutory bases for the claim of confidentiality and the affiant who supports the requested classification.

d. Exhibit D consists of the affidavit of Gerard J. Yupp.

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 documents contain information related to contractual terms, formulas and language of monthly capacity payments made to Southern Company services for power purchased for the Franklin, Harris and Scherer units. Additionally, this information relates to competitive interests of FPL and of suppliers from whom FPL purchases capacity. Public disclosure of this information would impair the efforts of FPL to contract for these goods and services on favorable terms and would also place FPL at a competitive disadvantage when coupled with other information that is publicly available. This information is protected under Section 366.093(3)(e).

5. Upon a finding by the Commission that the information contained in the Confidential Discovery Responses 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. Section 366.093(4), F.S.

**WHEREFORE**, FPL respectfully requests confidential classification of the Confidential Discovery Responses described herein.

Respectfully submitted,

John T. Butler, Esq.  
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Facsimile: (561) 691-7135

By:   
\_\_\_\_\_  
Maria J. Moncada  
Florida 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 Information Provided in Response to Staff's Fourth Set of Interrogatories No. 37 (\*) has been furnished by hand delivery (\*\*) or United States mail this 29<sup>th</sup> day April, 2013 to the following:

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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**