



John T. Butler  
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Florida Power & Light Company  
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Juno Beach, FL 33408-0420  
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Email: John.Butler@fpl.com

June 26, 2013

RECEIVED-FPSC  
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COMMISSION  
CLERK

**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

**Re: Florida Power & Light Company's Request for Confidential Classification of  
Certain Material Provided in Connection with the Monthly Fuel Filings  
Docket No. 130001-EI**

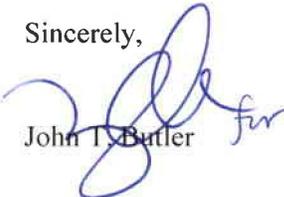
Dear Ms. Cole:

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 CD containing electronic files of FPL's Request for Confidential Classification and Attachment C. Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,  
  
John T. Butler

COM  
AFD 4+cd  
APA  
ECO  
ENG  
GCL  
IDM  
TEL  
CLK  
Enclosures  
cc: Service List (w/out attachments)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 130001-EI

Filed: June 26, 2013

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”), 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 April/March 2013 submitted in Docket No. 130001-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 Affairs  
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) April, 2013 Forms 423-2, 423-2(a) and 423-2(b) and R.W. Scherer's (Plant Scherer) March, 2013 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.

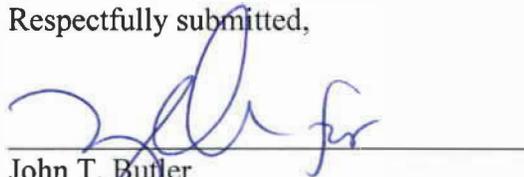
3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential 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  
Assistant General Counsel - Regulatory  
Florida Bar No. 283479  
Attorney for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel.: (561) 304-5639  
Fax: (561) 691-7135  
Email: John.Butler@fpl.com

**CERTIFICATE OF SERVICE**  
**130001-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 26<sup>th</sup> day of June, 2013:

Martha F. Barrera, Esq.\*\*  
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Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850  
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Charles Rehwinkel, Esq.  
Joseph A. McGlothlin, Esq.  
Erik L. Saylor, Esq.  
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c/o The Florida Legislature  
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rehwinkel.charles@leg.state.fl.us  
mcglothlin.joseph@leg.state.fl.us  
saylor.erik@leg.state.fl.us

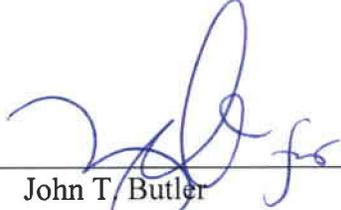
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By:   
John T. Butler  
Fla. Bar No. 283479

\*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 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 FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

**R.W. SCHERER FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

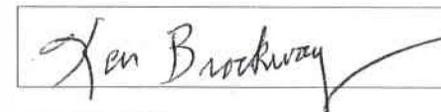
**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS  
ORIGIN, TONNAGE, DELIVERED PRICE AND AS RECEIVED QUALITY**

1. Report For Month/Yr: **April 2013**

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:

**May 15, 2013**

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	35,111			74.51	0.71	10,564	12.17	13.41
2	Prosperity	,IN,	LTC	UR	18,833			78.98	2.04	11,520	7.89	13.83

**EDITED COPY**

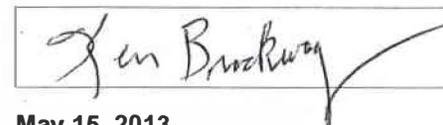
**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS  
DETAIL OF INVOICE PURCHASE PRICE**

1. Report For Month/Yr: **April 2013**

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: **May 15, 2013**

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	35,111		0.00		0.00		0.00	
2	Prosperity	,IN,	LTC	18,833		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: **April 2013**

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:

*Kim Broadway*

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

6. Date Completed:

**May 15, 2013**

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	35,111		0.00		0.00	0.00	0.00	0.00	0.00	0.00		74.51
2	Prosperity	,IN,	PROSPERITY MI	UR	18,833		0.00		0.00	0.00	0.00	0.00	0.00	0.00		78.98

**EDITED COPY**

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

1. Reporting Month: **March** Year: **2013**  
 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:



6. Date Completed: **24-Jun-13**

<u>Line No.</u> (a)	<u>Supplier Name</u> (b)	<u>Mine Location</u> (c)	<u>Purchase Type</u> (d)	<u>Transport Mode</u> (e)	<u>Tons</u> (f)	<u>Purchase Price (\$/Ton)</u> (g)	<u>Effective Transport Charges (\$/Ton)</u> (h)	<u>Total FOB Plant Price (\$/Ton)</u> (i)	<u>Sulfur Content (%)</u> (j)	<u>Btu Content (Btu/lb)</u> (k)	<u>Ash Content (%)</u> (l)	<u>Moisture Content (%)</u> (m)
(1)	COAL SALES, LLC	19WY/5	S	UR	36,237.55			43.627	0.21	8,778	4.47	27.19
(2)	BUCKSKIN MINING CO	19WY/5	S	UR	6,241.34			41.242	0.33	8,364	5.58	29.44
(3)	ALPHA COAL SALES CO, LI	19WY/5	S	UR	27,852.47			39.878	0.40	8,334	4.72	30.31
(4)	BUCKSKIN MINING CO	19WY/5	S	UR	10,963.71			41.108	0.36	8,467	5.30	29.06
(5)	ALPHA COAL SALES CO, LI	19WY/5	S	UR	24,786.00			40.009	0.38	8,293	4.63	30.53
(6)	ALPHA COAL SALES CO, LI	19WY/5	S	UR	40,923.76			41.478	0.24	8,561	4.16	29.58
(7)	ALPHA COAL SALES CO, LI	19WY/5	S	UR	19,949.46			40.094	0.40	8,373	4.71	30.04
(8)	ARCH COAL SALES CO INC	19WY/5	S	UR	94,287.08			38.388	0.26	8,999	4.79	26.23

**EDITED COPY**

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

1. Reporting Month: **March** Year: **2013**  
 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:



6. Date Completed: 20-May-13

<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 &amp; 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	36,237.55		-		-		0.154	
(2)	BUCKSKIN MINING CO	19/WY/5	S	6,241.34		-		-		0.029	
(3)	ALPHA COAL SALES CO, L	19/WY/5	S	27,852.47		-		-		(0.542)	
(4)	BUCKSKIN MINING CO	19/WY/5	S	10,963.71		-		-		0.196	
(5)	ALPHA COAL SALES CO, L	19/WY/5	S	24,786.00		-		-		(0.559)	
(6)	ALPHA COAL SALES CO, L	19/WY/5	S	40,923.76		-		-		(0.230)	
(7)	ALPHA COAL SALES CO, L	19/WY/5	S	19,949.46		-		-		(0.206)	
(8)	ARCH COAL SALES CO INC	19/WY/5	S	94,287.08		-		-		0.118	

**EDITED COPY**

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

1. Reporting Month: March Year: 2013  
 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 Barkway*

6. Date Completed: 20-May-13

Line No. (a)	Supplier Name (b)	Mine Location (c)	Shipping Point (d)	Transport Mode (e)	Tons (f)	Effective Purchase Price (\$/Ton) (g)	Additional Shorthaul & Loading Charges (\$/Ton) (h)	Rail Charges		Waterborne Charges				Other Related Charges (\$/Ton) (o)	Total Transportation Charges (\$/Ton) (p)	FOB Plant Price (\$/Ton) (q)
								Rail Rate (\$/Ton) (i)	Other Rail Charges (\$/Ton) (j)	River Barge Rate (\$/Ton) (k)	Trans-loading Rate (\$/Ton) (l)	Ocean Barge Rate (\$/Ton) (m)	Other Water Charges (\$/Ton) (n)			
(1)	COAL SALES, LLC	19/WY/5	NACCO JCT, WY	UR	36,237.55	-	-	-	-	-	-	-	-	-	-	43.627
(2)	BUCKSKIN MINING CO	19/WY/5	BUCKSKIN JCT, W	UR	6,241.34	-	-	-	-	-	-	-	-	-	-	41.242
(3)	ALPHA COAL SALES CO	19/WY/5	EAGLE BUTTE JC	UR	27,852.47	-	-	-	-	-	-	-	-	-	-	39.878
(4)	BUCKSKIN MINING CO	19/WY/5	BUCKSKIN JCT, W	UR	10,963.71	-	-	-	-	-	-	-	-	-	-	41.108
(5)	ALPHA COAL SALES CO	19/WY/5	EAGLE BUTTE JC	UR	24,786.00	-	-	-	-	-	-	-	-	-	-	40.009
(6)	ALPHA COAL SALES CO	19/WY/5	BELLE AYR JCT, V	UR	40,923.76	-	-	-	-	-	-	-	-	-	-	41.478
(7)	ALPHA COAL SALES CO	19/WY/5	EAGLE BUTTE JC	UR	19,949.46	-	-	-	-	-	-	-	-	-	-	40.094
(8)	ARCH COAL SALES CO	19/WY/5	THUNDER JCT, W	UR	94,287.08	-	-	-	-	-	-	-	-	-	-	38.388

EDITED COPY

**Justification for Confidentiality for St. Johns River Power Park (SJRRP) Report of April 2013:**

<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 April 2013:**

<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 (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 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 (SJRRP) Report of April 2013:**

<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 March 2013:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-8	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 March 2013:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(a)	1-8	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 March 2013:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(b)	1-8	G, I, P	(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.