

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery
Clause with Generating Performance
Incentive Factor

Docket No. 130001-EI
Dated: August 13, 2013

**FLORIDA POWER & LIGHT COMPANY'S SECOND REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 08-221-4-1**

Pursuant to Section 366.093, Florida Statutes (2011) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code (2011) ("Rule 25-22.006"), Florida Power & Light Company ("FPL") requests its second extension of confidential classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 08-22-4-1 ("the Audit"). In support of this request, FPL states as follows:

1. On December 10, 2008 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("December 10, 2008 Request"). By Order No. PSC-10-0214-CFO-EI, dated April 5, 2010 ("Order 0214"), the Commission granted FPL's December 10, 2008 Request. FPL adopts and incorporates by reference the December 10, 2008 Request and Order 0214.

2. On October 5, 2011, FPL filed its First Request for Extension of Confidential Classification of the Confidential Information, which included First Revised Exhibit C and First Revised Exhibit D ("October 5, 2011 Request"). By Order No. PSC-12-0150-CFO-EI, dated March 29, 2012 ("Order 0150"), the Commission granted FPL's March 29, 2012 Request. FPL adopts and incorporates by reference the October 5, 2011 Request and Order 0150.

3. The period of confidential treatment granted by Order 0150 will soon expire. The Confidential Information that was the subject of FPL's October 5, 2011 Request and Order 0150 warrants continued treatment as proprietary and confidential business information within the

meaning of Section 366.093(3). Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

4. All of the information designated in Exhibit A, Exhibit B, and First Revised Exhibit C to the October 5, 2011 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

5. Included herewith and made a part hereof is Second Revised Exhibit D. Second Revised Exhibit D contains the affidavits of Maria V. Besada and Gerard J. Yupp in support of this request.

6. FPL submits that the information contained in Exhibit A and referenced in Exhibit B, First Revised Exhibit C and Second Revised Exhibit D continues to be proprietary confidential business information within the meaning of Section 366.093(3), F.S. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. 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.

7. As the affidavits included in Second Revised Exhibit D indicate, the Confidential Information includes contractual data such as pricing and other terms, payment records, and vendor and supplier rates for oil and gas procurement, the disclosure of which would impair the efforts of FPL to contract for gas and oil procurement on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when

coupled with other information that is publicly available. Such information is protected by Section 366.093(3)(d) and (e).

8. Additionally, the Confidential Information includes contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL or FPL Energy Services, Inc. (“FPLES”) to contract for goods or services on favorable terms in the future. Also, these documents contain or constitute competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. This information is protected by Section 366.093(d) and (e).

9. Nothing has changed since the Commission entered Order 0150 to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

10. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat. (2011).

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: /s/ Maria J. Moncada
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CERTIFICATE OF SERVICE

Docket No. 130001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery this 13th day of August, 2013 to the following:

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Maria J. Moncada

SECOND REVISED EXHIBIT D

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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STATE OF FLORIDA)

AFFIDAVIT OF MARIA V. BESADA

MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Maria V. Besada who, being first duly sworn, deposes and says:

1. My name is Maria V. Besada. I am currently employed by FPL Energy Services, Inc. (FPLES) as Director, Organization Development & Management. My business address is 9250 West Flagler Street, Miami Florida, 33174. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed First Revised Exhibit C, and the documents included in Exhibit A to FPL's Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 08-221-4-1 for which I am identified as the affiant (Exhibit A was filed with FPL's December 10, 2008 Request; First Revised Exhibit C was filed with FPL's October 5, 2011 First Request for Extension). Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPLES to be proprietary confidential business information, contain or constitute contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPLES to contract for goods or services on favorable terms in the future. Specifically, these documents contain commodity pricing and information regarding natural gas sales agreements. This information also relates to FPLES's competitive interest, and the disclosure of such information could impair the competitive business of FPLES or the provider of the information. To the best of my knowledge, FPLES has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-12-0150-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least an additional eighteen (18) months. These materials 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.

Maria V. Besada

Maria V. Besada

SWORN TO AND SUBSCRIBED before me this 13 day of August 2013, by Maria V. Besada, who is personally known to me and who did take an oath.

My Commission Expires



ANA FABIOLA CASTELLON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD995166
Expires 5/24/2014

[Signature]

Notary Public, State of Florida

SECOND REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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Docket No. 130001-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

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 First Revised Exhibit C, and the documents included in Exhibit A to FPL's Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 08-221-4-1 for which I am identified as the affiant (Exhibit A was filed with FPL's December 10, 2008 Request; First Revised Exhibit C was filed with FPL's October 5, 2011 First Request for Extension). The information that FPL asserts is proprietary and confidential business information includes contractual data such as pricing and other terms, payment records, and vendor and supplier rates for oil and gas procurement, the disclosure of which would impair the efforts of FPL to contract for gas and oil procurement on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available.

3. Nothing has occurred since the issuance of Order No. PSC-12-0150-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least an additional eighteen (18) months. These materials 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 13 day of August 2013, 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:

