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March 24, 2014

VIA HAND DELIVERY

Ms. Carlotta S. Stauffer
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

REDACTED

Re: Docket No. 140001-EI

Dear Ms. Stauffer:

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 First Set of Interrogatories (Nos. 1, 2 and 7) and Staff's First Request for Production of Documents (No. 1). 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

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

COM	_____
AFD	<u>1</u> + 1 CD + B
APA	<u>1</u>
ECO	<u>1</u>
ENG	<u>1</u>
GCL	<u>1</u>
IDM	<u>1</u>
TEL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 140001-EI

March 24, 2014

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF INFORMATION PROVIDED IN RESPONSE TO
STAFF'S FIRST SET OF INTERROGATORIES (Nos. 1, 2 and 7)
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (No. 1)**

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 First Set of Interrogatories (Nos. 1, 2 and 7) and First Request for Production of Documents (No. 1) (the "Confidential Discovery Responses") which were propounded by Staff on February 21, 2014. In support of its request, FPL states as follows:

1. FPL served its responses to Staff's First Set of Interrogatories and First Request For Production of Documents on March 24, 2014. 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 is 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 regarding FPL's natural gas and coal suppliers, including purchase volumes, quality, pricing, and delivery methods. Additionally, this information relates to competitive interests of FPL and of suppliers from whom FPL purchases fossil fuels. 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).

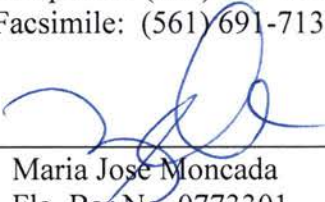
5. Upon a finding by the Commission that the information contained in the Confidential Discovery Responses is proprietary confidential business information within the meaning of Section 366.093(3), F.S., such materials should not be declassified for at least eighteen (18) months and should be returned 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.
Assistant General Counsel-Regulatory
Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135

By: _____


Maria Jose Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE

Docket No. 140001-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 First Set of Interrogatories (Nos. 1, 2 and 7) and First Request for Production of Documents (No. 1)(*) has been furnished by hand delivery(**) or United States mail this 24th day of March, 2014 to the following:

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Michael Barrett**
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Florida Public Service Commission
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Tallahassee, Florida 32399-0850
mbarrett@psc.state.fl.us

By: _____



Maria Jose Moncada
Fla. Bar No. 0773301

*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

EXHIBIT B

REDACTED COPIES

CONFIDENTIAL

	A	B	C	D	E	F	G	
1	List of 2013 SCHERER Coal RFP'S							
2								
3	SPOT							
4				Quantity	Coal	Coal	Delivered	
5	Request for Proposal	Quarter	Supplier	Offered	Quality	Quality	Cost	
6				Tons per Month	Btu/lb	% Sulfur	\$/mmbtu	
7	13-Mar	[REDACTED]						
8								
9								
10								
11								
12								
13								
14								
15		[REDACTED]						
16	6-Jun							
17								
18								
19								
20								
21		[REDACTED]						
22	24-Sep							
23								
24								
25								
26								
27	ANNUAL							
28				Quantity	Coal	Coal	Delivered	
29	Request for Proposal	Year	Supplier	Offered	Quality	Quality	Cost	
30				Tons/Year	Btu/lb	% Sulfur	\$/mmbtu	
31	13-Apr	[REDACTED]						
32								
33								
34								
35								
36								
37								
38								
39		[REDACTED]						
40								
41								
42								
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47		[REDACTED]						
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CONFIDENTIAL

	A	B	C	D	E	F	G
28				Quantity	Coal	Coal	Delivered
29	Request for Proposal	Year	Supplier	Offered	Quality	Quality	Cost
30				Tons/Year	Btu/lb	% Sulfur	\$/mmbtu
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8 Q. Please describe the action taken for each bid identified in response to Interrogatory
9 No. 1. Include in your response an explanation of the evaluation process and how
10 successful proposals were selected.
11

12
13 A. SJRPP

14 Not Applicable.
15

16
17 SCHERER #4

18
19 Regarding the evaluation process, spot bids are ranked on the basis of delivered cost.
20 Term bids are ranked based on Net Present Value. Purchases are made based on the bid
21 ranking.
22

23
24 Following are the actions taken with respect to the bids identified in Interrogatory No. 1

25
26 Spot RFP of March 13

27
28 FPL purchased 66,891 tons from [REDACTED]^A and 198,283 tons
29 from [REDACTED]^B.

30
31 Spot RFP of June 6

32
33 FPL purchased 321,000 tons from [REDACTED]^C.

34
35 Spot RFP of September 24

36
37 No purchases.

38
39 Annual RFP of April 13

40
41 FPL purchased 500,000 tons & 572,700 tons from [REDACTED]^D
42 [REDACTED]^E for delivery in 2014 & 2015 respectively. FPL also purchased 200,070 tons
43 & 927,203 tons from [REDACTED]^F for delivery in
44 2014 & 2015 respectively.

Florida Power & Light Company
Docket No. 140001-EI
Staff's 1st Set of Interrogatories
Interrogatory No. 7
Page 1 of 1

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Q. In 2013, did FPL participate in any discussions or bid for any firm gas storage capacity? Please explain your response and identify the gas storage providers.

A. Yes, in the normal course of business, FPL participated in capacity discussions with a number of storage companies in 2013.

a. In February of 2013, FPL entered into a new gas storage agreement with Bay Gas Storage. This new agreement was effective April 1, 2013 and includes a total of 2.5 Bcf of storage capacity for a term of one year. [REDACTED] A

[REDACTED]

b. [REDACTED]

[REDACTED]

Florida Power & Light Company
Docket No. 140001-EI
Staff's 1st Request for POD's
Request No. 1
Page 1 of 1

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Q. Please provide a complete copy of all coal supply agreements (coal contracts) that FPL signed in 2013 or that were signed on behalf of FPL.

A. On March 14, 2013 Georgia Power Company for itself and the other owners of Plant Scherer including FPL, entered in an agreement with a [REDACTED] [REDACTED]^A.

On March 26, 2013 Georgia Power Company made and entered into the [REDACTED]^B.

On June 19, 2013 Georgia Power Company for itself and the other owners of Plant Scherer including FPL, entered into an agreement with a [REDACTED] [REDACTED]^C.

On June 21, 2013 Georgia Power Company for itself and the other owners of Plant Scherer including FPL, entered into an agreement with a [REDACTED]^D.

Documents responsive to this request are provided as Bates Nos. FCR-14-00001 through FCR-14-00058.

**Florida Power & Light Company
Docket No. 140001-EI
Staff's 1st Request for POD's
Request No. 1 / Attachment 1**

Documents responsive to Staff's First Request for Production of Documents No. 1 (Bates No. FCR-14-00001 through FCR-14-00058) are confidential in their entirety.

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 140001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause
SUBJECT: FPL's Responses to Staff's 1st Set of Interrogatories Nos. 1, 2 & 7 and First Request for Production of Documents No. 1
DATE: March 24, 2014

Staff's 1 st Interrogatory No.	Page No.	Conf. Y/N	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Affiant
1 (Attachment)	1	Y	Cols. B-G, Lns. 7-14, 16-20, 22-25, 31-33, 35-37, 39-41, 43-45, 47-49	(d), (e)	G. Yupp
1 (Attachment)	2	Y	Cols. B-G, Lns. 51-53, 55-57, 59-61, 63-65, 67-68, 70-72, 74-76, 78-80, 82-84, 86-88, 90-92	(d), (e)	G. Yupp
2	1	Y	Lines 28A, 29B, 33C, 41D, 42E, 43F	(d), (e)	G. Yupp
7	1	Y	Lines 17A, 18-22	(d), (e)	G. Yupp

Staff's 1 st Request for POD's No.	Page No.	Conf. Y/N	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Affiant
1	1	Y	Lns. 15A, 16, 18B, 19-20, 23C, 24, 27D, 28	(d), (e)	G. Yupp
1 (Attachment)	Bates Nos. FCR-14-00001 through FCR-14-00058	Y	ALL	(d), (e)	G. Yupp

EXHIBIT D

AFFIDAVIT

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 140001-EI
Date: March 24, 2014

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

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, Wholesale Operation in the Energy Marketing and Trading Division Department. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business concern bids and other contractual data, the public disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the documents contain information regarding FPL's natural gas and coal suppliers, including purchase volumes, quality, pricing, and delivery methods. Additionally, this information relates to competitive interests of FPL and of suppliers from whom FPL purchases fossil fuels. The public disclosure of this information would impair the efforts of FPL to contract for these goods or services on favorable terms and would also place FPL at a competitive disadvantage when coupled with other information that is publicly available.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they 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
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 20 day of March 2014, 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.

Maritza Miranda-Wise
Notary Public, State of Florida

My Commission Expires:

