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September 15, 2014

**VIA HAND DELIVERY**

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

**REDACTED**

RECEIVED-FPSC  
14 SEP 15 PM 2:44  
COMMISSION  
CLERK

**Re: Docket No. 140001-EI**

Dear Ms. Stauffer:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification of Certain Information contained in Schedule E12 of Appendix IV to the prepared revised testimony of FPL witness Terry J. Keith in support of FPL's Revised Petition for Approval of Fuel Cost Recovery and Capacity Cost Recovery Factors for January through December 2015. The original includes Exhibits A through D. The seven copies do not include copies of the exhibits.

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 is a justification table in support of Request for Confidential Classification. Exhibit D is the Affidavit of Gerard J. 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 Exhibit A pending disposition of FPL's Request for Confidential Classification.

Also included is a disc containing FPL's Request for Confidential Classification and Exhibit C in Microsoft Word format.

Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,

Maria J. Moncada

Enclosures

cc: parties of record, (Request for Confidential Classification w/o exhibits)

- COM \_\_\_\_\_
- AFD 2 + Redacted Ex B
- APA 1 and CD
- ECO 1
- ENG 1
- GCL 1
- IDM 1
- 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

Date: September 15, 2014

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF CAPACITY PAYMENTS TO NON-COGENERATORS  
IDENTIFIED IN SCHEDULE E12 OF TERRY KEITH'S REVISED TESTIMONY**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information contained in Schedule E12 of Appendix IV to the prepared Revised Testimony of FPL witness Terry J. Keith filed on this date (the "Confidential Information"). In support of its Request, FPL states as follows:

1. On September 15, 2014, FPL submitted the prepared amended testimony of FPL witness Terry J. Keith in this docket in support of FPL's Revised Petition for Approval of Fuel Cost Recovery and Capacity Cost Recovery Factors for January through December 2015. Schedule E12 of Appendix IV to the revised testimony contains information regarding FPL's capacity payments to specific non-cogenerator counterparties, which is of a confidential nature.<sup>1</sup> This Request seeks confidential classification of the Confidential Information consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of Schedule E12 to of Appendix IV in which all of the confidential information is highlighted.

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<sup>1</sup> On August 22, 2014, FPL filed its original Petition for Approval of Fuel Cost Recovery and Capacity Cost Recovery Factors for January through December 2015, along with Mr. Keith's original testimony and a corresponding Request for Confidential Classification for Schedule E12 of Appendix IV [DN 04678-14]. Because FPL filed a revised petition and revised testimony of Terry Keith with exhibits, FPL hereby renews its Request for Confidential Classification of Schedule E12. However, there are no substantive changes to Schedule E12.

b. Exhibit B consists of two copies of Schedule E12 to Appendix IV in which all of the Confidential Information is redacted.

c. Exhibit C is a table that identifies by page, line or column the Confidential Information, together with references to the specific statutory bases for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D is 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), Florida Statutes (“Section 366.093(3)”). This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

4. FPL seeks confidential protection for the highlighted information contained in Schedule E12, which identifies capacity payments to non-cogenerators. The highlighted information consists of contractual data about FPL’s capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL’s marketing and procurement practices and impair FPL’s ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. Such information is protected by Section 366.093(3)(d). This information also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity. The disclosure

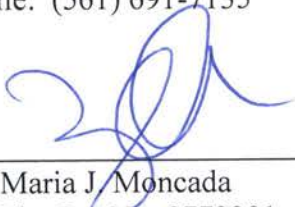
of this information would impair their competitive businesses. Such information is protected by Section 366.093(3)(e).

5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information 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), Fla. Stat.

**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 Request for Confidential Classification be granted.

Respectfully submitted,  
R. Wade Litchfield, Esq.  
Vice President and General Counsel  
John T. Butler, Esq.  
Assistant General Counsel – Regulatory  
Maria J. Moncada  
Principal Attorney  
Florida Power & Light Company  
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By: \_\_\_\_\_

  
Maria J. Moncada  
Fla. Bar No. 0773301

**CERTIFICATE OF SERVICE**  
**Docket No. 140001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing(\*) has been furnished by electronic mail on this 15th day of September 2014 to the following:

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By: \_\_\_\_\_



Maria J. 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**



	A	B	C	D	E	F	G	H	I	J	K	L	M	
1	Florida Power & Light Company													
2	Schedule E12 - Capacity Costs													
3	Page 2 of 2													
4														
5														
6														
7	2015 Projection													
8														
9														
10	<u>Contract</u>	<u>Counterparty</u>						<u>Identification</u>	<u>Contract Start Date</u>	<u>Contract End Date</u>				
11	1	Southern Company - UPS Scherer						Other Entity	June 1, 2010	December 31, 2015				
12	2	Southern Company - UPS Harris						Other Entity	June 1, 2010	December 31, 2015				
13	3	Southern Company - UPS Franklin						Other Entity	June 1, 2010	December 31, 2015				
14	4	JEA - SJRPP						Other Entity	April 2, 1982	September 30, 2021				
15														
16	2015 Capacity in MW													
17														
18	<u>Contract</u>	<u>Jan-15</u>	<u>Feb-15</u>	<u>Mar-15</u>	<u>Apr-15</u>	<u>May-15</u>	<u>Jun-15</u>	<u>Jul-15</u>	<u>Aug-15</u>	<u>Sep-15</u>	<u>Oct-15</u>	<u>Nov-15</u>	<u>Dec-15</u>	
19	1	163	163	163	163	163	163	163	163	163	163	163	163	
20	2	600	600	600	600	600	600	600	600	600	600	600	600	
21	3	190	190	190	190	190	190	190	190	190	190	190	190	
22	4	375	375	375	375	375	375	375	375	375	375	375	375	
23	Total	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	1,328	
24														
25	2015 Capacity in Dollars													
26														
27	<u>Contract</u>	<u>Jan-15</u>	<u>Feb-15</u>	<u>Mar-15</u>	<u>Apr-15</u>	<u>May-15</u>	<u>Jun-15</u>	<u>Jul-15</u>	<u>Aug-15</u>	<u>Sep-15</u>	<u>Oct-15</u>	<u>Nov-15</u>	<u>Dec-15</u>	
28	1													
29	2													
30	3													
31	4													
32	Total	13,886,909	13,888,005	13,890,818	13,888,283	13,837,611	13,835,268	13,834,239	13,836,911	13,838,210	13,852,964	13,849,178	13,851,804	
33														
34	Total Capacity Payments to Non-Cogenerators for 2015						166,290,201	(1)						
35														
36	(1)	Revised September 15, 2014 Projection Filing, Appendix IV, page 2, line 1												

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

EXHIBIT C

COMPANY: Florida Power & Light Company  
TITLE: Confidential Exhibits  
DOCKET NO.: 140001-EI  
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause  
SUBJECT: Schedule E12 Capacity Payments to Non-Cogenerators  
DATE: September 15, 2014

Description	Page No.	Conf. Y/N	Col. No./ Line No.	Florida Statute 366.093(3) Subsection	Affiant
FPL Capacity Payments (2015 Projected) Schedule E12 to Appendix IV of Terry J. Keith Testimony dated September 15, 2014	2	Y	Cols. B-M, Lines 28-31	(d), (e)	G. J. 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

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 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 the documents and information included in Exhibit A to FPL's Request for Confidential Classification of Capacity Payments to Non-Cogenerators Identified in Schedule E12. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information comprise information concerning contractual data about FPL's capacity payments to specific counterparties. Disclosure of this contractual information would provide other market participants insight into FPL's marketing and procurement practices and impair FPL's ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. The information contained in Schedule E12 also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

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

**SWORN TO AND SUBSCRIBED** before me this 11 day of September 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.

  
Notary Public, State of Florida

My Commission Expires:

