



Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5795
(561) 691-7135 (Facsimile)
E-mail: maria.moncada@fpl.com

October 6, 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 OCT -6 PM 12:24
COMMISSION
CLERK

Re: Docket No. 140001-EI

Dear Ms. Stauffer:

I am enclosing for filing in the above docket the original and seven (7) copies of FPL's Request for Confidential Classification of Certain Information Provided in Response to Staff's Sixth Set of Interrogatories No. 165. The original includes Exhibits A through D. The copies include Exhibits C and D only.

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 contains FPL's justification for its Request for Confidential Classification. Exhibit D contains 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 herewith is a CD containing FPL's Request for Confidential Classification and Exhibit C.

If there are any questions regarding this transmittal, please contact me at (561) 304-5795.

Sincerely,

Maria J. Moncada

COM
AFD
APA
ECO
ENG
GCL
IDM
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CLK

2 + Redacted to B and CD

Enclosures

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 140001-EI
Date Filed: October 6, 2014

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF INFORMATION PROVIDED IN FPL'S RESPONSE
TO STAFF'S SIXTH SET OF INTERROGATORIES (No. 165)**

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 provided in response to the Staff of the Florida Public Service Commission's ("Staff") Sixth Set of Interrogatories No. 165 ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Sixth Set of Interrogatories electronically on October 6, 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 the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Gerard J. Yupp, Senior Director of Wholesale Operations, in FPL's Energy, Marketing and Trading Division.

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. 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. As the affidavit included in Exhibit D indicates, the information provided by FPL contains information related to financial and operational details of FPL's asset optimization activities for natural gas, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. Additionally, this information would impair the competitive interests of FPL and its vendors, and would place FPL at a competitive disadvantage when coupled with other information that is publicly available. These materials are therefore confidential within the meaning of Section 366.093(3)(d) and (e), Florida Statutes.

5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D is proprietary confidential business information, the information should not be declassified for a period of 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. *See* § 366.093(4), F.S.

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

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 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 18th day of September 2014 to the following:

Martha F. Barrera, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
mbarrera@psc.state.fl.us

Jon C. Moyle, Esq.
Moyle Law Firm, P.A.
118 N. Gadsden St.
Tallahassee, Florida 32301
Counsel for FIPUG
jmoyle@moylelaw.com

Beth Keating, Esq.
Gunster Law Firm
Attorneys for FPUC
215 South Monroe St., Suite 601
Tallahassee, Florida 32301-1804
bkeating@gunster.com

John T. Burnett, Esq.
Dianne M. Triplett, Esq.
Attorneys for DEF
299 First Avenue North
St. Petersburg, Florida 33701
john.burnett@duke-energy.com
dianne.triplett@duke-energy.com

James D. Beasley, Esq.
J. Jeffrey Wahlen, Esq.
Ashley M. Daniels, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302
jbeasley@ausley.com
jwahlen@ausley.com
adaniels@ausley.com

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Steven R. Griffin, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32591-2950
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Gardner, Bist, Wiener, et al
Attorneys for Florida Retail Federation
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

James W. Brew, Esq.
F. Alvin Taylor, Esq.
Attorney for White Springs
Brickfield, Burchette, Ritts & Stone, P.C
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com

J. R. Kelly, Esq.
Patricia Christensen, Esq.
Charles Rehwinkel, Esq.
Erik L. Sayler, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
sayler.erik@leg.state.fl.us

Michael Barrett
Division of Economic Regulation
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
mbarrett@psc.state.fl.us

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

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7 Q.

8 Please refer to the March 3, 2014 testimony of FPL witness Yupp and to page 3, lines 18
9 through 19. Please describe the Asset Management Agreement and include references
10 to any schedules. Also, state the dollar impact, actual or estimated, of this agreement
11 for 2013, 2014, and 2015.
12

13 A.

14 The Asset Management Agreement (AMA) referenced in witness Yupp's testimony was
15 executed on [REDACTED],^A with a term from [REDACTED].^B FPL
16 analyzed the appropriate structure of the AMA by evaluating the volume and location of its
17 existing (longer-term) natural gas purchases versus its overall projected natural gas
18 consumption under varying scenarios, to determine the optimal level of upstream capacity
19 that could be released and the optimal number of instances that the capacity could be recalled
20 in order to obtain the greatest level of benefits for customers. [REDACTED] C
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35 [REDACTED].^D While the opportunity for this type of sale is limited due to FPL's high
36 utilization of its firm natural gas transportation, FPL was able in this instance to structure an
37 AMA to deliver value to FPL's customers while maintaining the reliability of natural gas
38 supply. The revenues received from the replacement shipper benefitted customers by
39 reducing overall natural gas expenses.
40

41 The AMA Gains for 2013 are listed, by month, in column 7, on page 3, in Exhibit GJY-1
42 (Asset Optimization Detail Actual for the Period of: January 2013 through December 31,
43 2013), which was included in the Levelized Fuel Cost Recovery and Capacity Cost Recovery
44 Final True-Up, January 2013 through December 2013, filed on March 3, 2014. The AMA
45 Gains for 2014 were [REDACTED].^E The monthly AMA Gains for 2014 will be included on a
46 similar schedule when the Levelized Fuel Cost Recovery and Capacity Cost Recovery Final
47 True-Up, January 2014 through December 2014, is filed in March 2015.

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 6th Set of Interrogatories No. 165
DATE: October 6, 2014

Staff's 6 th Set / Interrogatory No.	Page No.	Conf. Y/N	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Affiant
165	1	Y	Lines 15A, 15B, 20C, 21-34, 35D, 45E	(d)	G. Yupp

EXHIBIT D

AFFIDAVIT

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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, 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. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the documents contain information related to financial and operational details of FPL's asset optimization activities for natural gas. The disclosure of this information would impair FPL's ability to execute certain natural gas optimization transactions on favorable terms for the benefit of its customers, would impair the competitive interests of FPL and its vendors, and would 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.

Handwritten signature of Gerard J. Yupp
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 2nd day of October 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.

Handwritten signature of Maritza Miranda-Wise
Notary Public, State of Florida

My Commission Expires:

