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May 13, 2015

VIA HAND DELIVERY

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

COMMISSION
CLERK

15 MAY 13 PM 1:02

RECEIVED-FPSC

Re: **Docket No. 150001-EI**

REDACTED

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 Second Set of Interrogatories Nos. 15, 16 and 17 and First Request for Production of Documents No. 1. 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 is a CD containing FPL's Request for Confidential Classification and Exhibit C in Microsoft Word.

Sincerely,

Jessica Cano
for Maria J. Moncada

JOM	_____
AFD	2 + CD + Redacted
APA	_____
ECO	1
ENG	1
GCL	2
IDM	1
TEL	_____
CLK	_____

Enclosures

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

2348380

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 150001-EI
Date: May 13, 2015

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED IN
RESPONSE TO STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION'S
SECOND SET OF INTERROGATORIES (Nos. 15, 16 AND 17)
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (No. 1)**

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") Second Set of Interrogatories (Nos. 15, 16 and 17) and First Request for Production of Documents (No. 1) ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. On April 13, 2015, Staff served its Second Set of Interrogatories (Nos. 15-33) and First Request for Production of Documents (No. 1) on FPL. FPL's Response to Staff's Second Set of Interrogatories (Nos. 15, 16 and 17) and First Request for Production of Documents (No. 1) contain information of a confidential nature, which is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to Staff's Second Set of Interrogatories (Nos. 15-33) and First Request for Production of Documents (No. 1) on May 13, 2015. This request is being filed contemporaneously with the service of the responses to Staff's discovery in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. 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 is 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 is redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A by page and line and a brief description of the Confidential Information. Exhibit C also references the specific statutory bases for the claim of confidentiality and identifies the affiant who supports of the requested classification.

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

4. 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.

5. As the description included in Exhibit C and the affidavit included in Exhibit D indicate, the Confidential Discovery Responses provided by FPL contains information related to

contractual data, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

6. In addition, the Confidential Discovery Responses also relate to competitive interests, the disclosure of which would impair the competitive business of FPL or its suppliers. This information is protected by Section 366.093(3)(e), Fla. Stat.

7. 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.

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,

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Email: maria.moncada@fpl.com

By: _____

Maria J. Moncada
Florida Bar No. 0773301

CERTIFICATE OF SERVICE
Docket No. 150001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing* has been furnished by electronic mail on this 13th day of May, 2015 to the following:

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By: _____



Maria J. Moncada
Florida 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

Q. For each Request for Proposal (RFP) for coal issued in 2014 by or on behalf of Florida Power & Light Company (FPL), list the bids received. For each bid, include the supplier, tonnage bid, coal quality, and delivered price information, as well as the method and route of delivery.

A. FPL is a co-owner of two coal-fired plants: Plant Scherer, located near Juliette, GA and the St. Johns River Power Park (SJRPP), located in Jacksonville, FL.


With respect to method and route of coal delivery:

Scherer burns Powder River Basin (PRB) coal delivered to the plant exclusively by rail. The mines in the PRB are served by either the BNSF Railway (BNSF) or the Union Pacific Railroad Company (UP). BNSF and UP haul the coal from mine origin to Memphis, Tennessee where the trains are interchanged for final delivery by the Norfolk Southern Railway Company (NS).

SJRPP burns domestic and foreign coal. Domestic coal is delivered to SJRPP by CSX Transportation, Inc. (CSXT) primarily from coal mines in the Illinois Basin. Foreign coal is delivered to the St. Johns River Coal Terminal (SJRCT) in ocean-going barges and vessels.

SCHERER RFPs

Q1 (February-March) Spot Solicitation

SUPPLIER	TONNAGE	QUALITY btu/lb	DELIVERED PRICE \$/ton
<p>(A)</p> 	per month		
	300,000	8,300	40.93
	300,000	8,550	42.64
	300,000	8,400	41.90
	75,000	8,800	43.92
	300,000	8,800	43.93
	50,000	8,600	43.00
	100,000	8,350	41.93
	75,000	8,800	44.19
300,000	8,850	44.51	

(A)

Q2-Q3 Spot Solicitation

1		167,000	8,800	44.76
2		600,000	8,850	45.03
3		100,000	8,400	42.90
4		50,000	8,350	42.82
5		150,000	8,550	44.24
6		30,000	8,800	45.83
7		150,000	8,550	44.77
8		167,000	8,800	44.76
9		600,000	8,850	45.03
10		100,000	8,400	42.90
11		50,000	8,350	42.82
12		100,000	8,400	43.15
13		150,000	8,550	44.24
14		100,000	8,850	45.99
15		150,000	8,550	44.77
16		30,000	8,800	46.10

June-September & 4Q Spot Solicitation

	Via BNSF	total		
17		180,000	9,500	49.20
18		800,000	8,550	44.36
19		800,000	8,600	44.98
20		200,000	8,400	43.98
21		800,000	8,550	44.79
22		1,600,000	8,850	46.60
23		800,000	8,800	46.50
24		800,000	8,800	46.93
25		135,000	9,500	49.20
26		600,000	8,550	44.36
27		600,000	8,600	44.98
28		150,000	8,400	43.98
29		600,000	8,550	44.79
30		1,200,000	8,850	46.60
31		600,000	8,800	46.50
32		600,000	8,800	46.93
33		45,000	8,800	47.40

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(A)

Via UP

1		800,000	8,550
2		1,600,000	8,850
3		800,000	8,600
4		800,000	8,550
5		800,000	8,800
6		800,000	8,800
7		600,000	8,550
8		1,200,000	8,850
9		600,000	8,600
10		600,000	8,550
11		600,000	8,800
12		600,000	8,800
13		45,000	8,800

(B)



4Q-1Q Spot Solicitation

Via BNSF

14		1,000,000	8,400	42.89
15		45,000	8,800	45.18
16		1,000,000	8,900	46.20
17		135,000	8,800	45.77
18		300,000	9,500	49.55
19		1,000,000	8,800	47.49
20		1,000,000	8,400	42.89
21		500,000	8,400	43.30
22		300,000	8,350	43.19
23		250,000	8,800	45.61
24		1,000,000	8,900	46.20
25		45,000	8,800	45.72
26		300,000	9,500	49.55
27		1,000,000	8,800	47.49

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(A)		(B)			
Via UP					
1	█	45,000	8,800		
2	█	1,000,000	8,900		
3	█	135,000	8,800		
4	█	1,000,000	8,800		
5	█	250,000	8,800		
6	█	1,000,000	8,900		
7	█	45,000	8,800		
8	█	500,000	8,400		
9	█	1,000,000	8,800		
Long Term Solicitation					
10	█	2,500,000	9,400	48.83	2015
		2,500,000	9,400	50.12	2016
		2,500,000	9,400	51.43	2017
		2,500,000	9,400	52.77	2018
		2,500,000	9,400	54.12	2019
11	█	1,000,000	8,800	46.13	2015
		3,000,000	8,800	47.40	2016
		4,000,000	8,800	49.23	2017
		4,000,000	8,800	50.75	2018
12	█	1,000,000	8,550	44.80	2015
		2,000,000	8,550	46.07	2016
		4,000,000	8,550	47.62	2017
		4,000,000	8,550	49.19	2018
13	█	2,500,000	8,850	44.97	2015
		2,500,000	8,850	46.99	2016
		2,500,000	8,850	48.97	2017
		2,500,000	8,850	51.08	2018
		2,500,000	8,850	52.94	2019

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(A)

██████	6,000,000	8,850	44.97	2015
	8,000,000	8,850	46.99	2016
	10,000,000	8,800	49.29	2017
	10,000,000	8,800	51.08	2018
	10,000,000	8,800	52.94	2019
██████	2,000,000	8,700	44.33	2015
	2,000,000	8,700	46.35	2016
	2,000,000	8,700	48.33	2017
	2,000,000	8,700	50.44	2018
	2,000,000	8,700	52.30	2019
██████	3,000,000	8,400	42.67	2015
	3,000,000	8,400	44.69	2016
	4,000,000	8,400	46.30	2017
	4,000,000	8,400	48.40	2018
	4,000,000	8,400	50.26	2019
██████	3,000,000	8,350	41.85	2015
	3,000,000	8,350	43.28	2016
	3,000,000	8,350	44.52	2017
██████	2,000,000	8,600	43.99	2015
	2,000,000	8,600	45.80	2016
	2,000,000	8,600	47.35	2017
██████	1,000,000	8,850	44.91	2015
	2,000,000	8,850	47.09	2016
	3,000,000	8,850	48.97	2017

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(A)

1	[REDACTED]	3,000,000	8,850	44.91	2015
		3,000,000	8,850	47.09	2016
		4,000,000	8,800	48.97	2017
		4,000,000	8,800	50.91	2018
2	[REDACTED]	4,000,000	8,800	52.78	2019
		2,000,000	8,400	42.34	2015
		2,000,000	8,400	43.93	2016
3	[REDACTED]	2,000,000	8,400	45.49	2017
		2,000,000	8,400	42.34	2015
		2,000,000	8,400	43.93	2016
4	[REDACTED]	2,000,000	8,400	45.49	2017
		2,000,000	8,400	47.33	2018
		2,000,000	8,400	48.66	2019
		4,000,000	8,400	42.90	2015
		5,000,000	8,400	44.17	2016
		5,000,000	8,400	45.67	2017
		5,000,000	8,400	47.19	2018
		5,000,000	8,400	48.94	2019

SJRPP RFP'S

IFB-2014-01 Due 2/19/14

	SUPPLIER	TONNAGE OFFERED	QUALITY BTU/LB)	DELIVERED \$/TON
5	[REDACTED]	635,000	11,600	76.348
6	[REDACTED]	340,000	11,900	77.500
7	[REDACTED]	635,000	12,150	80.500
8	[REDACTED]	635,000	12,400	82.500
9	[REDACTED]	635,000	12,900	87.500
10	[REDACTED]	635,000	11,500	76.500

(A)

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1		635,000	12,200	81.750
2		120,000	11,000	71.500
3		400,000	11,500	76.500
4		350,000	11,100	73.088
5		340,000	11,350	77.000
6		635,000	10,800	74.338
7		635,000	11,500	83.500
8		290,000	12,600	96.000
9		234,000	12,500	95.000
10		140,000	12,500	97.500
11		500,000	11,200	85.500
12		108,000	12,500	98.500
13		108,000	11,500	89.300
14		240,000	11,900	96.500

IFB-2014-02 Due 8/5/14

Bids for 4th Quarter Delivery

15		225,000	11,700	76.850
16		375,000	11,300	77.420
17		60,000	11,300	75.560
18		375,000	11,300	78.090
19		120,000	11,300	77.710
20		375,000	11,100	73.410
21		150,000	11,500	76.500
22		375,000	11,300	77.560
23		375,000	11,100	74.080
24		88,000	12,500	91.570
25		375,000	12,000	89.740
26		100,000	12,000	92.740
27		34,500	11,500	88.240
28		120,000	11,500	95.740
29		80,000	11,800	73.265
30		375,000	11,900	76.000
31		300,000	11,500	81,500
32		100,000	11,500	83.685

(A)

Bids per Quarter in 2015

1	[REDACTED]	125,000	11,300	77.420
2	[REDACTED]	125,000	11,300	77.528
3	[REDACTED]	125,000	11,300	76.430/76.43/78.23/78.23
4	[REDACTED]	125,000	11,150	78.390/79.43/79.66/80.34
5	[REDACTED]	125,000	11,300	78.460/78.46/80.26/80.26
6	[REDACTED]	62,500	10,900	90.190
7	[REDACTED]	120,000	11,300	74.730
8	[REDACTED]	120,000	11,300	75.860
9	[REDACTED]	125,000	10,600	68.965/69.782/70.689/71.642
10	[REDACTED]	60,000	11,300	75.560
11	[REDACTED]	125,000	11,100	74.430/73.430/73.83/74.08
12	[REDACTED]	125,000	12,400	84.190
13	[REDACTED]	125,000	11,900	79.190
14	[REDACTED]	125,000	11,500	79.190
15	[REDACTED]	125,000	11,100	75.210/75.010/75.41/75.
16	[REDACTED]	125,000	12,150	84.690
17	[REDACTED]	99,000	12,500	92.430
18	[REDACTED]	125,000	11,500	83.190
19	[REDACTED]	125,000	11,200	82.190
20	[REDACTED]	125,000	12,000	92.450/93.20/93.95/94.70
21	[REDACTED]	125,000	11,500	85.185
22	[REDACTED]	36,000	12,500	99.260/100.35
23	[REDACTED]	69,000	11,500	88.950
24	[REDACTED]	125,000	11,750	90.685
25	[REDACTED]	62,500	12,000	96.450
26	[REDACTED]	30,000	12,200	98.930
27	[REDACTED]	30,000	13,000	106.430
28	[REDACTED]	125,000	11,500	96.450/96.45/98.45/98.45

Q. Please describe the action taken for each bid identified in response to Interrogatory No. 15. Include in your response an explanation of the evaluation process and how successful proposals were selected.

A. SCHERER:

With respect to the Q1 (February-March) Spot Solicitation, FPL elected not to purchase.

1 P With respect to the Q2-Q3 Spot Solicitation, FPL elected to purchase approximately [REDACTED] for delivery in Q2 and approximately [REDACTED] for delivery in Q3 from [REDACTED] the low evaluated bidder. B

2 C
3 With respect to the June-December Spot Solicitation, FPL elected to purchase approximately [REDACTED] for delivery June-September from [REDACTED], the low evaluated bidder. D E

4 F With respect to the Q4-Q1 Spot Solicitation, FPL elected to purchase approximately [REDACTED] for delivery in 1Q15 from [REDACTED], the low evaluated bidder. G

5 With respect to the term solicitation, FPL elected to purchase approximately [REDACTED] from [REDACTED] from [REDACTED] for delivery in 2015 and 2016 respectively and [REDACTED] from [REDACTED] for delivery in 2015. [REDACTED] were the low evaluated bidders. H I J K L M

SJRPP:

With respect to IFB-2014-01, two purchases were made:

8 1) [REDACTED] the low evaluated bidder based on utilization
9 cost was awarded [REDACTED] approximately [REDACTED].
10 2) [REDACTED] was awarded [REDACTED] approximately [REDACTED]
11 because of [REDACTED] R S T

With respect to IFB-2014-02, four purchases were made.

(A)
Based on utilization cost:

- (B) (C) (D)
- 1) [REDACTED] approximately [REDACTED]
 - 2) [REDACTED] approximately [REDACTED]
 - 3) [REDACTED] approximately [REDACTED]

3a [REDACTED]

- 4) [REDACTED] approximately [REDACTED] per year in 2015 and 2016

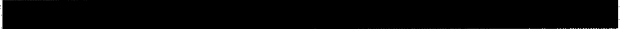
Q. During 2014, did FPL experience any detention and demurrage charges, or any transportation constraints for coal deliveries? If so, please explain your response and state the charges by event.

A. Yes. In 2014 FPL experienced detention charges & transportation constraints at Scherer and demurrage charges at SJRPP.

Scherer:

Listed below are detention charges incurred which are attributable to provisions in the NS rail contract related to Locomotives Lease & Crew Release charges:

<u>Quarter</u>	<u>Locomotive Lease</u>	<u>Crew Release</u>
First	\$ 27,776	\$3,091
Second	\$ 77,577	\$ 691
Third	\$ 11,597	\$ 691
Fourth	\$144,464	\$1,395

The Scherer transportation constraint was the inability of the BNSF to provide adequate rail service on a consistent basis. 

1
2
3

SJRPP:

Listed below are vessel demurrage charges incurred in 2014 as a result of provisions specified in the water borne coal supply agreements:

<u>Delivery Period</u>	<u>Demurrage</u>
January-August	\$20,382
September-November	\$10,569
December	\$6,735

**Florida Power & Light Company
Docket No. 150001-EI
Staff's First Request for Production
Request No. 1
Page 1 of 1**

Documents responsive to Staff's First Request for Production No. 1 (Bates Nos. FCR-15-03930 through FCR-15-03958) are confidential in their entirety.

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 150001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause
SUBJECT: FPL's Responses to Staff's 2nd Set of Interrogatories Nos. 15, 16 and 17 and First Request for Production of Documents No. 1
DATE: May 13, 2015

Staff's 2 nd Interrogatory No.	Page Nos.	Description	Line No./ Col. No.	Florida Statute 386.08(5) Subsection	Affair
15	1 - 8	Requests for Proposal bids for coal received by FPL	Pg. 1, Col. A Pg. 2, Col. A, Lns. 1-16, 17-33 Pg. 3, Col. A, Lns. 1-13, 14-27 Col. B, Lns. 1-13 Pg. 4, Col. A, Lns. 1-9, 10-13 Col. B, Lns. 1-9 Pg. 5, Col. A Pg. 6, Col. A, Lns. 1-4, 5-10 Pg. 7, Col. A, Lns. 1-14, 15-32 Pg. 8, Col. A, Lns. 1-28	(d), (e)	G. Yupp
16	1 - 2	Coal purchase transaction information, including quantities and counterparties	Pg. 1, Lns. 1A, 1B, 2C, 3D, 3E, 4F, 4G, 5H, 6I, 6J, 7K, 7L, 7M, 8N, 9O, 9P, 10Q, 10R, 10S, 11T Pg. 2, Col. A, Lns. 1-3, 3A, 4 Col. B, Line 1 Cols. C, Lns. 2, 4 Col. D, Line 3	(d), (e)	G. Yupp
17	1	Contract terms for coal transportation	Lns. 1A, 2-3	(d), (e)	G. Yupp

Stipulated Request for Production No.	Page No.	Description	Line No. Col No.	Florida Statute 366.09(1) Subsection	Affiant
1	Bates Nos. FCR-15-03930 through FCR-15-03958	FPL 2014 coal supply agreements	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: 150001-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 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 concerns 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.

Handwritten signature of Gerard J. Yupp over a horizontal line, with the printed name Gerard J. Yupp below it.

SWORN TO AND SUBSCRIBED before me this 13 day of May 2015, 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 over a horizontal line, with the printed title Notary Public, State of Florida below it.

My Commission Expires:

