



Kevin I.C. Donaldson
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
561-304-5170
(561) 691-7135 (Facsimile)
E-mail: Kevin.Donaldson@fpl.com

July 6, 2015

VIA HAND DELIVERY

Ms. Carlotta S. Stauffer
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED FPSC
15 JUL -6 PM 2:55
COMMISSION
CLERK

Re: Docket No. 150075-EI

REDACTED

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 Certain Responses to FIPUG's Third Request for Production of Documents (No. 14). The original includes Exhibits A, B (two copies), Exhibit C and Exhibit 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.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

Kevin I.C. Donaldson

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

Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

Date: July 6, 2015

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF RESPONSE TO THE FLORIDA
INDUSTRIAL POWER USERS GROUP'S
THIRD REQUEST FOR THE PRODUCTION OF DOCUMENTS NO. 14**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of its response to the Florida Industrial Power Users Group's ("FIPUG") Third Request for Production of Documents (No. 14). In support of its request, FPL states:

1. On July 6, 2015, FPL served its response to FIPUG's Third Request for Production of Documents (Nos. 14-15). FPL's responses to FIPUG's Third Request for Production of Documents (No. 14) contain information of a confidential nature that comprises proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (hereinafter referred to as the "Confidential Discovery Responses").

2. FPL files this request to FIPUG's Third Request for Production of Documents No. 14, 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 the original request and this request:

a. Exhibit A consists of the Confidential Discovery Responses produced in response to FIPUG's Third Request for Production of Documents No. 14.

b. Exhibit B consists of a copy of the confidential documents, on which all the information that is entitled to confidential treatment under Florida law has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with a brief description of the documents designated confidential. Exhibit C also sets forth references to the specific statutory bases for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D consists of the affidavit of Thomas L. Hartman.

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 affidavit of Thomas L. Hartman included as Exhibit D indicates, the Confidential Discovery Responses provided by FPL constitute proprietary business information related to competitively sensitive confidential business information, in that it contains information concerning Cedar Bay's competitively sensitive commercial information. The disclosure of this information to third parties would adversely impact Cedar Bay's and/or its affiliates' competitive business interests and otherwise harm Cedar Bay and/or its affiliates, which FPL is contractually obligated to treat confidentially. This information is protected by Sections 366.093(3)(d) and (e), Fla. Stat.

6. 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 affidavit included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

John T. Butler
Assistant General Counsel - Regulatory
Kevin I.C. Donaldson
Senior Attorney
Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5170
Facsimile: (561) 691-7135
Email: kevin.donaldson@fpl.com

By: 
Kevin I.C. Donaldson
 Florida Bar No. 0833401


CERTIFICATE OF SERVICE
Docket No. 150075-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification* has been furnished by electronic mail on this 6th, day of July, 2015 to the following:

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

J.R. Kelly
John J. Truitt
Charles J. Rehwinkel
Office of Public Counsel
The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
truitt.john@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
Attorney for the Citizens of the State of Florida

Jon C. Moyle, Jr., Esq.
Karen A. Putnal, Esq.
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
*Attorney for Florida Industrial Power Users
Group*

By: 
for _____
Kevin I.C. Donaldson
Florida Bar No. 0833401

*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 B

REDACTED

Documents responsive to FIPUG's Third Request for Production No. 14 (Bates Nos. CB-15-012957 through CB-15-012963) are confidential in their entirety.

EXHIBIT C

COMPANY: Florida Power & Light Company

DOCKET TITLE: In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

DOCKET NO: 150075-EI

SUBJECT: FPL's Confidential Responses to the Florida Industrial Power Users Group's Third Request for Production of Documents (No. 14)

DATE: July 6, 2015

FPL's Responses to FIPUG's 3rd Request for Production No.	Bates No. / Page No.	Description	Column No. / Line No.	Florida Statute 366.093(3) Subsection	Affiant
No. 14	Bates Nos. CB-15-012957 through CB-15-012963	Letter from The Carlyle Group dated March 24, 2014, letter from FPL to the Carlyle Group dated May 16, 2014 and letter from FPL to the Carlyle Group of May 20, 2014.	ALL	(e)	T. Hartman

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF THOMAS L. HARTMAN

BEFORE ME, the undersigned authority, personally appeared Thomas L. Hartman who, being first duly sworn, deposes and says:


1. My name is Thomas L. Hartman. I am currently employed by Florida Power & Light Company ("FPL") as Director, Business Development in Energy Marketing and Trading. 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 or materials that I have reviewed and which are asserted by FPL to be confidential constitute the proprietary business information of a third party related to the third party's competitive interests. Specifically, the materials consist of documents provided by CBAS Power Holdings, LLC or its subsidiaries or affiliates, which FPL is contractually obligated to treat confidentially. In addition, disclosure of these materials would impair the competitive business of CBAS Power Holdings, LLC.

3. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

4. 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.

5. Affiant says nothing further.



Thomas L. Hartman

SWORN TO AND SUBSCRIBED before me this 14th day of July 2015, by Thomas L. Hartman, 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:

