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July 15, 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 15 AM 11:59  
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 Staff of the Florida Public Service Commission's First Request for Production of Documents (No. 1). 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 \_\_\_\_\_ cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)

ECO 2

ENG 2 + Redacted

GCL 1

IDM \_\_\_\_\_

TEL \_\_\_\_\_

CLK \_\_\_\_\_

**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 15, 2015

**FLORIDA POWER & LIGHT COMPANY'S SUPPLEMENTAL REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF RESPONSE TO STAFF OF THE  
FLORIDA PUBLIC SERVICE COMMISSION'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

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 Staff of the Florida Public Service Commission's ("Staff") First Request for Production of Documents (No. 1). In support of its request, FPL states:

1. On April 27, 2015, FPL served its response to Staff's First Request for Production of Documents. FPL's responses to Staff's First Request for Production of Documents (No. 1) was provided inadvertently as non-confidential and 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 Staff's First Request for Production of Documents (No. 1), 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 Staff's First Request for Production of Documents (No. 1).

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 David Herr.

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 David Herr 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 related to the third party's competitively interests. The disclosure of this information to third parties would adversely impact FPL by placing it at a competitive disadvantage and the valuation of the tangible and intangible assets of CBAS Power were performed by Duff and Phelps which would impair its competitive business and, which FPL and Duff and Phelps are 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 15<sup>th</sup>, day of July, 2015 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  
jvillafr@psc.state.fl.us  
*Office of the General Counsel*

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truitt.john@leg.state.fl.us  
*Attorney for the Citizens of the State of Fla.*

Jon C. Moyle, Jr., Esq.  
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jmoyle@moylelaw.com  
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*Attorney for Fla. Industrial Power Users  
Group*

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

  
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 A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

**EXHIBIT B**

**REDACTED COPIES**

	A	B	C	D	E	F	G	H	I	J	K
1	DOCKET NO. 150075 EI (Staff POD 1.a)										
2											
3	IHS Energy Rivalry Scenario, H2 2014										
4	06 February 2015										
5											
6	Annual fuel prices (nominal) <sup>1</sup>										
7											
8	Annual spot coal prices by US basin (nominal \$/ton)	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
9	Central Appalachia CSX <sup>2</sup>										
10											
11	Notes:										
12											
13											
14											
15	Sources: IHS Energy, Energy Information Administration, Intelligence Press and SNL Energy Coal Report for historical data.										
16	IHS Energy Rivalry Scenario—Outlook to 2040.										
17	February 2015 update.										
18											
19											
20	Spot Basin Coal Price (nominal \$/ton) - per IHS	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
21	Transportation Cost (nominal \$/ton) - based on SNL, escalated at 2%										
22	Delivered Fuel Cost (nominal \$/ton)										



	A	B	C	D	E	F	G	H	I
1	DOCKET NO. 150075 EI (Staff POD 1.b)								
2	Source : SNL								
3	<b>Cedar Bay Generating</b>								
4	<b>Fuels</b>								
5									
6	Periods	Last Seven Years (Annual)							
7									
8		2008 Y	2009 Y	2010 Y	2011 Y	2012 Y	2013 Y	2014 Y	3 Year Avg
9									
10	Primary Coal Deliveries	[REDACTED]							
11	Type								
12	Region								
13	Transportation Cost (\$/ton)	[REDACTED]							
14									

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**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 Staff's Request for Production (No. 1)

**DATE:** July 15, 2015

Description	Bates No.	Conf Y/N	Line No./Column No.	Florida Statute 366.093 (3) Subsection	Affiant
Staff's 1 <sup>st</sup> Request for Production POD No. 1a	Bates Nos. CB-15-00001	Y	Col. A, Lns, 12-14 Cols. B-K, Lns. 9, 20-22	(d), (e)	D. Herr
Staff's 1 <sup>st</sup> Request for Production POD No. 1b	Bates Nos. CB-15-00002	Y	Cols. B-H, Lns. 11-13 Col. I, Lns, 13	(d), (e)	D. Herr

**EXHIBIT D**

**AFFIDAVIT**

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

COMMONWEALTH OF PENNSYLVANIA )
COUNTY OF PHILADELPHIA )

AFFIDAVIT OF DAVID HERR

BEFORE ME, the undersigned authority, personally appeared David Herr who, being first duly sworn, deposes and says:

1. My name is David Herr. I am currently employed by Duff & Phelps LLC as Managing Director, the Philadelphia City Leader, and the Energy and Mining Industry leader. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed and have personal knowledge about the documents included in Exhibit A to FPL's Request for Confidential Classification for which I am identified as the affiant. The information designated as confidential consists of or relates to the valuation of the tangible and intangible assets of CBAS Power, Inc. which was performed by Duff & Phelps, Inc. The details of this highly detailed valuation report identify with specificity the proprietary methodology that Duff & Phelps employs in performing such valuations. Accordingly, public disclosure would impair the competitive businesses of Duff & Phelps and therefore should be treated confidentially. To the best of my knowledge, FPL and Duff & Phelps have maintained the confidentiality of these documents and materials.

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.

Handwritten signature of David Herr over a horizontal line, with the name 'David Herr' printed below.

SWORN TO AND SUBSCRIBED before me this 13th day of July 2015, by David Herr, who is personally known to me or who has produced Driver's License (type of identification) as identification and who did take an oath.

Handwritten signature of the notary public over a horizontal line, with the text 'Notary Public, Commonwealth of Pennsylvania' printed below.

My Commission Expires:

