



**REDACTED**

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October 5, 2015

**VIA HAND DELIVERY**

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

RECEIVED FPSC  
15 OCT -5 PM 3:20  
COMMISSION  
CLERK

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

Dear Ms. Stauffer:

I enclose for filing in the above docket FPL's Request for Confidential Classification of Certain Information Provided in Response to Staff's Eleventh Set of Interrogatories No. 82. The Request includes Exhibits A, B, C and D.

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 the 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,

Maria J. Moncada

COM \_\_\_\_\_  
AFD Redacted  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

Enclosures

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

**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: October 5, 2015

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
IN RESPONSE TO STAFF OF THE FLORIDA PUBLIC SERVICE  
COMMISSION'S ELEVENTH SET OF INTERROGATORIES (No. 82)**

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") Eleventh Set of Interrogatories (No. 82) ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. On September 14, 2015, Staff served its Eleventh Set of Interrogatories (No. 82) on FPL. FPL's Response to Staff's Eleventh Set of Interrogatories (No. 82) contains 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 Eleventh Set of Interrogatories (No. 82) on October 5, 2015. This request is being filed contemporaneously with the service of FPL's 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. Specifically, the material includes the components of incremental variable power plant operation and maintenance costs. This information is protected by Section 366.093(3)(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 affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

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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 5th day of October 2015 to the following:

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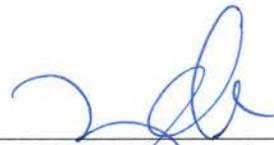
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By:



\_\_\_\_\_  
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.

Q.

On pages 25 and 26 of FPL witness Yupp's September 1, 2015 testimony the witness testifies that "[b]ased on data provided as part of the 2013 Test Year projections, FPL has determined that its incremental variable power plant O&M cost is \$1.51/MWh."

- a. Please provide the 2013 Test Year data used to determine the \$1.51/MWh described by witness Yupp.
- b. Please provide the calculations used to determine the \$1.51/MWh described by witness Yupp.

A.

a. The incremental variable power plant operations and maintenance (VOM) cost of \$1.51/MWh is for non-fuel O&M expenses and costs for capital replacement parts that vary with power plant output, as prescribed in Paragraph (12)(b)(ii) and Footnote 3 of the settlement agreement that was approved by Order No. PSC-13-0023-S-EI, dated January 14, 2013, in Docket No. 120015-EI (the "2012 Rate Case Settlement"). This rate is for the Steam and Other Production units in the FPL fossil fleet, because those are the types of units whose output is typically increased to make wholesale sales. The relevant 2013 Test Year data is provided below:

- 1 A. Overhaul expenses; [REDACTED]<sup>A</sup>
- 2 B. Specific variable operating and maintenance expenses (ash disposal, chemicals, and
- 3 demineralized water); [REDACTED]<sup>A</sup>
- 4 C. Annual capital replacement part expenses; [REDACTED]<sup>A</sup> (straight line depreciation
- 5 over 5 years, [REDACTED]<sup>A</sup> per year)
- 6 D. Total Base Generation; [REDACTED]<sup>A</sup> MWh

b. The calculation used to determine the \$1.51/MWh VOM cost is provided below:

$$\text{VOM (\$/MWh)} = (A+B+C) / D$$

7

[REDACTED]

8

$$\text{VOM (\$/MWh)} = [REDACTED]<sup>A</sup> \text{ MWh} = \$1.51/\text{MWh}$$

**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 Eleventh Set of Interrogatories (No. 82)  
**DATE:** October 5, 2015

<b>FPL's Answers to Staff's 11th Set of Interrogatories</b>	<b>Description</b>	<b>Line No./ Col. No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
No. 82	Variable power plant operations and maintenance (VOM) cost	Lines 1A, 3A, 4A, 5A, 6A, 7, 8A	(e)	G. Yupp

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 )  
 )  
PALM BEACH COUNTY )

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. The documents or materials in Exhibit A which are asserted by FPL to be proprietary confidential business information contain or constitute data such as pricing and other terms, payment records, and vendor and supplier rates. Specifically, the material includes the components of incremental variable power plant operation and maintenance costs. The disclosure of this information would impair the efforts of FPL to contract for goods or services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 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 1st day of October 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.

  
Notary Public, State of Florida

My Commission Expires:

