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January 15, 2016

VIA HAND DELIVERY

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

REDACTED

RECEIVED-FPSC
2016 JAN 15 PM 2:27
COMMISSION
CLERK

Re: Docket No. 150256-EQ

Dear Ms. Stauffer:

I enclose for filing in the above docket an original of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Response (DR-8) to Staff of the Florida Public Service Commission's First Set of Data Requests. The original includes Exhibits A, B (two copies), Exhibit C and Exhibit 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 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

Enclosure

- COM _____
- AFD _____
- APA _____
- ECO _____
- ENG *Redacted*
- GEL _____
- IDM _____
- TEL _____
- CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition for Approval to Terminate the North
Broward Resource Recovery Facility Electric
Power Purchase Agreement with Wheelabrator
North Broward, Inc.

Docket No: 150256-EQ

Date: January 15, 2016

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF RESPONSE TO STAFF OF THE FLORIDA
PUBLIC SERVICE COMMISSION'S FIRST SET OF DATA REQUESTS**

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 Set of Data Request (No. 8). In support of its request, FPL states:

1. On January 15, 2016, FPL served its response to Staff's First Set of Data Request (1-10). FPL's response to Staff's First Set of Data Requests (No. 8) contains 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 Data Response").

2. FPL files this request to Staff's First Set of Data Requests (No. 8), in order to request confidential classification of the Confidential Data Response 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 Data Response produced in response to Staff's First Set of Data Requests (No. 8).

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 Data Response provided by FPL constitute proprietary business information related to natural gas forecast prices, which FPL is contractually obligated to treat confidentially. Disclosure of this information would violate FPL's contract for the information and impair FPL's ability to obtain similar information in the future. 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 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
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. 150256-EQ

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification* has been furnished by electronic mail on this 15th, day of January 2016 to the following:

Leslie Ames, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
lames@psc.state.fl.us
Office of the General Counsel

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

REDACTED

Bates No.

**NBRR PPA 000001, NBRR PPA 000002
NBRR PPA 000003, NBRR PPA 000004
are confidential in their entirety.**

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET TITLE: Wheelabrator Termination
DOCKET NO.: 150256-EQ
DATE: January 15, 2016

Description	Bates Number	Conf. Y/N	Line/Column	366.093(3)) F.S.	Affiant
Long Term Forecast Methodology – Gas Price	NBRR PPA 000001	Y	All	(e)	Tom Hartman
Long Term Forecast Methodology- Capacity	NBRR PPA 000002	Y	All	(e)	Tom Hartman
Long Term Forecast Methodology – Oil Price	NBRR PPA 000003	Y	All	(e)	Tom Hartman
Long Term Forecast Methodology – Solid Fuel Prices	NBRR PPA 000004	Y	All	(e)	Tom Hartman

EXHIBIT D

AFFIDAVIT

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Power & Light Company

Docket No. 150256-EQ

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF TOM HARTMAN

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

1. My name is Tom Hartman. I am currently employed by Florida Power & Light Company ("FPL") as Director of Business Management, EMT. My business address is 700 Universe Blvd., Juno Beach, Florida 33408. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information for which I am listed as Affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of Certain Information Responsive to responses to Staff's First Set of Data Requests. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information constitute contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. Specifically, the materials also include proprietary information belonging to a service provider whose agreement with FPL contains a confidentiality clause. These documents or materials also contain or constitute information relating to competitive interests, the disclosure of which would impair FPL's competitive business. 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.

[Handwritten signature of Tom Hartman]
Tom Hartman

SWORN TO AND SUBSCRIBED before me this 12 day of January, 2016, by Tom Hartman, 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:

