



William P. Cox
Senior Attorney
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5662 Direct Line
William.Cox@fpl.com

June 20, 2016

VIA HAND DELIVERY

160154-EI

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

REDACTED

RECEIVED-FPSC
2016 JUN 20 AM 9:05
COMMISSION CLERK

RE: **Florida Power & Light Company's Petition for Approval of Arrangement to Mitigate Impact of Unfavorable Indiantown Co-generation Power Purchase Obligation**

Dear Ms. Stauffer:

Enclosed for filing on behalf of Florida Power & Light Company's ("FPL's") is its Request for Confidential Classification of its Petition for Approval of Arrangement to Mitigate Impact of Unfavorable Indiantown Co-generation Power Purchase Obligation. The request includes Exhibits A, B (two copies), C and D.

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 is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declarations in support of FPL's request.

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

Sincerely,

William P. Cox

Enclosures

COM _____
AFD _____
APA _____
ECO _____
*ENG _____
GCL _____
IDM _____
TEL _____
CLK _____

Redacted version only; 2 pages

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition for Approval of Arrangement to
Mitigate Impact of Unfavorable Power
Purchase Obligation Associated with
Indiantown Cogeneration LP

Docket No: 16 0154 -EI

Date: June 20, 2016

**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 contained in the prepared testimony of FPL witness Tom L. Hartman (TLH-2) and David Herr (DH-3) in this proceeding. In support of its Request, FPL states as follows:

1. On June 20, 2016, FPL filed the testimony of FPL witnesses Tom Hartman and David Herr in support of FPL's Petition for Approval of Arrangement to Mitigate Impact of Unfavorable Power Purchase Obligation Associated with Indiantown Cogeneration LP. Exhibit TLH-2 to the testimony of Tom Hartman and Exhibit DH-3 to the testimony of David Herr contain confidential information. Pursuant to Rule 25-22.006, FPL files this Request for Confidential Classification.

2. The following exhibits are included with this Request:

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

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. For the documents that are confidential in their entirety, FPL has included only identifying cover pages in Exhibit B.

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 declarants who support the requested classification.

d. Exhibit D contains the declarations of Tom Hartman and David Herr in support of this Request.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. 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.

4. As the declarations included as Exhibit D indicate, some of the documents provided by FPL contain information concerning contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.


5. Additionally, certain documents contain information concerning the competitive interest of FPL or third parties, the disclosure of which would impair the competitive business of the provider of the information. This information is protected by Section 366.093(3)(e), Fla. Stat.

6. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. § 366.093(4), Fla. Stat.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and declarations included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Bryan S. Anderson
Assistant General Counsel - Regulatory
William P. Cox
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5662
Facsimile: (561) 691-7135

By: 

William P. Cox
Fla. Bar No. 00093531

EXHIBIT A

CONFIDENTIAL

FILED UNDER SEPARATE COVER

EXHIBIT B

REDACTED COPIES

Exhibit DH-3 is confidential in its entirety.

Exhibit TLH-2 is confidential in its entirety.

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Request for Confidential Classification of Exhibits TLH-2 and DH-3
DOCKET TITLE: Florida Power & Light Company's Petition for Approval of Arrangement To Mitigate Impact of Unfavorable Power Purchase Obligation Associated with Indiantown Cogeneration LP
DOCKET NO: 16_____-EI
DATE: June 20, 2016

Description	Page No.	Conf. Y/N	Col. No./ Line No.	Florida Statute 366.093(3) Subsection	Declarant
Exhibit TLH-2 Purchase and Sale Agreement	1 through 174	Y	ALL	(d), (e)	T. Hartman
Exhibit DH-3 Valuation of Indiantown Cogeneration LP	1 through 80	Y	ALL	(d), (e)	D. Herr

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's Petition
for Approval of Arrangement To Mitigate Impact of
Unfavorable Power Purchase Obligation Associated
with Indiantown Cogeneration LP

Docket No: 16 ____-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

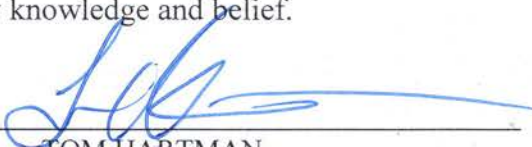
DECLARATION OF **TOM HARTMAN**

1. My name is Tom Hartman. I am currently employed by Florida Power & Light Company ("FPL") as Director Business Development in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed and have personal knowledge about Exhibit TLH-2, included in Exhibit A to FPL's Request for Confidential Classification. Exhibit TLH-2 contains information concerning contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. It also includes proprietary information concerning the competitive interest of FPL and third parties, the disclosure of which would impair the competitive business of the provider of the information. Specifically, Exhibit TLH-2 consists of the specific negotiated terms between FPL and Calypso Energy Holdings, LLC for the Indiantown Cogeneration, L.P. Transaction, the disclosure of which would impair FPL's ability or position to attain favorable transactions for the benefit of its customers in the future. Likewise, disclosure would impair Calypso Energy Holdings, LLC's ability to negotiate terms with third parties indirectly affected by the Indiantown Cogeneration, L.P. Transaction.

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. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true to the best of my knowledge and belief.



TOM HARTMAN

Date: June 3, 2016

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's Petition
for Approval of Arrangement To Mitigate Impact of
Unfavorable Power Purchase Obligation Associated
with Indiantown Cogeneration LP

Docket No: 16____-EI

STATE OF PHILADELPHIA)
) **DECLARATION OF DAVID HERR**
COUNTY OF PHILADELPHIA)

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 written declaration.

2. I have reviewed and have personal knowledge about Exhibit DH-3, included in Exhibit A to FPL's Request for Confidential Classification. Exhibit DH-3 is the valuation of the tangible and intangible assets of Calypso Energy Holdings, LLC which was performed by Duff & Phelps, Inc. This highly detailed valuation report identifies 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. 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. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true to the best of my knowledge and belief.



DAVID HERR

Date: June 15, 2012