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September 16, 2016

**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  
2016 SEP 16 PM 3:25  
COI  
FILED

**Re: Docket No. 160154-EI**

Dear Ms. Stauffer:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Information Provided in Response to Staff's First Request for Production of Documents (No. 3). The request includes Exhibits A, B (two copies), 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 declaration in support of FPL's request.

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

Sincerely,

William P. Cox

Enclosure

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

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**REDACTED**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of a Purchase and Sale Agreement Between Florida Power & Light Company and Calypso Energy Holdings, LLC, for the Ownership of the Indiantown Cogeneration LP and Related Purchase Power Agreement.

Docket No: 160154-EI

Date: September 16, 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 provided in response to the Staff of the Florida Public Service Commission's ("Staff") First Request for Production of Documents (No. 3) ("Confidential Discovery Response"). In support of its Request, FPL states as follows:

1. On July 20, 2016, Staff served its First Request for Production of Documents (Nos. 1-5) on FPL. FPL's Response to Staff's First Request for Production of Documents (No. 3) contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to Staff's First Request for Production of Documents (Nos. 1-5) on August 1, 2016. This request is being filed in order to request confidential classification of the Confidential Discovery Response consistent with Rule 25-22.006, Florida Administrative Code.

3. The following exhibits are included herewith and made a part of this request:

a. Exhibit A consists of a copy of the Confidential Discovery Response on which all information that FPL asserts is entitled to confidential treatment is highlighted.

b. Exhibit B consists of the cover page that identifies the Confidential Discovery Response. Because the pages of the Confidential Discovery Response are confidential in their entirety, no purpose would be served by producing a redacted copy.

c. Exhibit C is a table containing an identification of the documents provided in Exhibit A. Exhibit C also references the specific statutory bases for the claim of confidentiality and identifies the declarant who supports the requested classification.

d. Exhibit D contains the declaration of Thomas L. Hartman in support of this Request.

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 harm of disclosure against the public interest in access to the information.

5. As described more fully in the declaration included as Exhibit D, the Confidential Discovery Response provided by FPL relates to competitive interests, 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 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 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  
Joel Baker  
Attorney  
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By:   
\_\_\_\_\_  
William P. Cox  
Fla. Bar No. 00093531

**CERTIFICATE OF SERVICE**  
**Docket No. 160154-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 16th day of September, 2016 to the following:

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**Attorneys for the Citizens**  
**of the State of Florida**

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

  
William P. Cox  
Fla. Bar No. 00093531

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

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**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

**EXHIBIT B**

**REDACTED COPIES**

**Documents FPL 000209 through 000358 responsive to Staff's First Request for Production of Documents No. 3 are confidential in their entirety.**

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

### EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET TITLE:** Petition for approval of a purchase and sale agreement between Florida Power & Light Company and Calypso Energy Holdings, LLC, for the ownership of the Indiantown Cogeneration LP and related power purchase agreement  
**DOCKET NO:** 160154-EI  
**SUBJECT:** FPL's Responses to Staff's 1<sup>st</sup> Request for Production of Documents No. 3  
**DATE:** September 16, 2016

Staff's 1 <sup>st</sup> POB (No)	Doc. Nos	Description	File No. Cor. No.	Florida Statute 366.093(3) Subsection	Declarant
3	FPL 000209 through FPL 00218	Bond covenants; First Supplemental Indenture (taxable)	ALL	(e)	T. Hartman
3	FPL 000219 through FPL 00358	Bond covenants; Trust Indenture (taxable)	ALL	(e)	T. Hartman

**EXHIBIT D**

**DECLARATION**

