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September 29, 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

**Re: Docket No. 160001-EI**

Dear Ms. Stauffer:

Enclosed for filing in the above docket is Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Information Provided in Response to Staff's Sixth Set of Interrogatories (No. 50). 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,

Maria J. Moncada

**REDACTED**

Enclosure

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

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor

Docket No: 160001-EI

Date: September 29, 2016

**FLORIDA POWER & LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED IN RESPONSE TO THE STAFF OF THE FLORIDA PUBLIC  
SERVICE COMMISSION'S SIXTH SET OF INTERROGATORIES (No. 50)**

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") Sixth Set of Interrogatories (No. 50) ("Confidential Discovery Response"). In support of its Request, FPL states as follows:

1. On September 9, 2016, Staff propounded its Sixth Set of Interrogatories (Nos. 50-55) on FPL. FPL's Response to Staff's Sixth Set of Interrogatories (No. 50) contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its response to Staff's Sixth Set of Interrogatories (Nos. 50-55) on September 29, 2016. This request is being filed contemporaneously with the service of FPL's response to Staff's discovery 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 with 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 an edited version of the Confidential Discovery Response on which all information that FPL asserts is entitled to confidential treatment is redacted.

c. Exhibit C is a table containing a page-and-line identification of the information highlighted in Exhibit A and a brief description of the Confidential Information. 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 is the declaration of Gerard J. Yupp 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 the description included in Exhibit C and the declaration included in Exhibit D indicate, the Confidential Discovery Response provided by FPL contains information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

6. Additionally, certain information relates to the competitive interests of FPL and its vendors, the disclosure of which would impair their competitive interests. This information is protected by Section 366.093(3)(e), Fla. Stat.

7. 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 declaration included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

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Email: maria.moncada@fpl.com

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



Maria J. Moncada  
Florida Bar No. 0773301

**CERTIFICATE OF SERVICE**

**Docket No. 160001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification\* has been furnished by electronic mail this 29th day of September 2016 to following:

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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.

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**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

# **EXHIBIT B**

## **REDACTED COPIES**



**AUGUST 1, 2015 - JULY 31, 2016 HEDGING PROGRAM - NATURAL GAS SWAP TRANSACTIONS**

| Portfolio<br>A | Trade Date<br>B | Deal Start Date<br>C | Deal End Date<br>D | Fixed Price<br>E | NYMEX Closing Price<br>F | Fixed Price vs NYMEX Price |
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| Portfolio<br>A | Trade Date<br>B | Deal Start Date<br>C | Deal End Date<br>D | Fixed Price<br>E | NYMEX Closing Price<br>F | Fixed Price vs NYMEX Price |
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| Portfolio<br>A | Trade Date<br>B | Deal Start Date<br>C | Deal End Date<br>D | Fixed Price<br>E | NYMEX Closing Price<br>F | Fixed Price vs NYMEX Price |
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| Portfolio<br>A | Trade Date<br>B | Deal Start Date<br>C | Deal End Date<br>D | Fixed Price<br>E | NYMEX Closing Price<br>F | Fixed Price vs NYMEX Price |
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| Portfolio<br>A | Trade Date<br>B | Deal Start Date<br>C | Deal End Date<br>D | Fixed Price<br>E | NYMEX Closing Price<br>F | Fixed Price vs NYMEX Price |
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| Portfolio<br>A | Trade Date<br>B | Deal Start Date<br>C | Deal End Date<br>D | Fixed Price<br>E | NYMEX Closing Price<br>F | Fixed Price vs NYMEX Price |
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(\* Note: These deals were originally executed as 12-month (January 2015-December 2015) strip transactions. The April-December component was transferred to another counterparty, with the same terms and conditions as originally executed, prior to settlement. The fixed price vs. NYMEX closing price calculations use closing values from the dates on which the transactions were originally executed.

# **EXHIBIT C**

## **JUSTIFICATION TABLE**



**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET TITLE:** Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor  
  
**DOCKET NO:** 160001-EI  
**SUBJECT:** FPL's Responses to Staff's 6th Set of Interrogatories (No. 50)  
**DATE:** September 29, 2016

| Staff's 6th Set of Interrog. (No.) | No. of Pages | Description   | Line No. / Col. No. | Florida Statute 366.09(3) Subsection | Declarant |
|------------------------------------|--------------|---|---------------------|--------------------------------------|-----------|
| 50<br>Attachment 1                 | 1-7          | Natural gas financial hedging transactions schedule | Pgs. 1-7, Cols. A-F | (d), (e)                             | G. Yupp   |

**EXHIBIT D**

**DECLARATION**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power Cost Recovery  
Clause with Generating Performance Incentive  
Factor

Docket No: 160001-EI

STATE OF FLORIDA                    )  
  )  
COUNTY OF PALM BEACH            )       **DECLARATION OF GERARD J. YUPP**

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 written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents and materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information concern bids and other contractual data about FPL's monthly hedging transactions for natural gas, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. Additionally, the confidential information relates to competitive interests, the disclosure of which would impair the competitive business of FPL or its suppliers. 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 eighteen (18) months. In addition, the materials 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.

  
GERARD J. YUPP

Date: 9/26/16