

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 170001-EI

Date: January 20, 2017

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 15-023-4-2**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its First Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 15-023-4-2 ("Confidential Information"). In support of this request, FPL states as follows:

1. On May 21, 2015, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("May 21, 2015 Request"). By Order No. PSC-15-0378-CFO-EI, dated September 10, 2015 ("Order 0378"), the Commission granted FPL's May 21, 2015 Request. FPL adopts and incorporates by reference the May 21, 2015 Request and Order 0378.

2. The period of confidential treatment granted by Order 0378 will soon expire. The Confidential Information that was the subject of FPL's May 21, 2015 Request and Order 0378 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All of the information designated in Exhibits A, B and C to the May 21, 2015 Request remain confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. Included as First Revised Exhibit D is the declaration of Gerard J. Yupp in support of this request.

5. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines 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.

6. As more fully described in the affidavits included in First Revised Exhibit D, certain documents contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its vendors to contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

7. Also, certain information in these documents and materials concern FPL's competitive interests and would place FPL at a disadvantage when coupled with the other information that is publicly available. This information is protected by Section 366.093(3)(e), Fla. Stat.

8. 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 First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: /s/ Maria J. Moncada
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CERTIFICATE OF SERVICE
Docket No. 170001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing First Request for Extension of Confidential Classification has been furnished by electronic service on this 20th day of January 2017 to the following:

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FIRST REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 170001-EI

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 declaration.

2. I have reviewed the documents referenced and incorporated in FPL's First Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 15-023-4-2. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data such as pricing formulas and other terms, payment records, supplier operations, and vendor and supplier rates for capacity and energy transactions, the disclosure of which would impair the efforts of FPL to contract for capacity and energy 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. Nothing has occurred since the issuance of Order No. PSC-15-0378-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least an additional 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.


GERARD J. YUPP

Date: 1/13/16