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July 31, 2020

-VIA HAND DELIVERY -

Adam Teitzman  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

REDACTED

RECEIVED-FPSC  
2020 JUL 31 AM 11:01  
COMMISSION CLERK

**Re: Florida Power & Light Company's Request for Confidential Classification of Certain Material Provided in Connection with FPL's Second Quarter 2020 Monthly 423 Fuel Filings in Docket No. 20200001-EI**

Dear Mr. Teitzman:

I enclose for filing in the above-referenced matter Florida Power & Light Company's ("FPL") Request for Confidential Classification. The Request includes Attachments A, B and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A - CONFIDENTIAL." Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been redacted. Attachment C contains FPL's justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Should you have any questions regarding this filing, please contact me.

- COM
- AFD
- APA
- ECO
- ENG
- GCL
- IDM
- CLK

Attachments

cc: Counsel for Parties of Record (w/ Request for Confidential Classification)

Sincerely,  
  
David M. Lee

**CERTIFICATE OF SERVICE**

**Docket No. 20200001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished

by electronic service on this 31st day of July 2020 to the following:

Suzanne Brownless  
Division of Legal Services  
**Florida Public Service Commission**  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
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Company**

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Thomas A. (Tad) David  
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**Attorneys for White Springs Agricultural  
Chemicals, Inc. d/b/a PCS Phosphate -  
White Springs**

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



David M. Lee  
Florida Bar No. 103152

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 20200001-EI  
Date: July 31, 2020

**FLORIDA POWER & 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 on Florida Public Service Commission ("FPSC" or "Commission") Forms 423-1(a), 423-2, 423-2(a) and 423-2(b) for the second quarter of 2020. In support of this request, FPL states as follows:

1. Petitioner's principal business address is as follows:

Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408

Orders, notices, or other pleadings related to this request should be served on:

Kenneth A. Hoffman  
Vice President Regulatory Affairs  
Florida Power & Light Company  
134 W. Jefferson Street  
Tallahassee, FL 32301-1858  
(850) 521-3919  
(850) 521-3939 Fax  
Email: Ken.Hoffman@fpl.com

David M. Lee  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7263  
(561) 691-7135 Fax  
Email: david.lee@fpl.com

2. The following attachments are included herewith and made a part hereof:
  - a. Attachment A includes the complete and unedited version of FPL's May and June 2020 Form 423-1(a); R.W. Scherer's (Plant Scherer) April, May and June 2020 Forms 423-2, 423-2(a) and 423-2(b) which contain certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "**CONFIDENTIAL.**"
  - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been redacted in Attachment B.
  - c. Attachment C identifies information for which confidential treatment is sought and, with regard to each item or type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.

3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). 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.

4. The statutory bases and support for FPL's assertion of confidentiality with regard to specific items or types of information are set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for twenty-four (24) months, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the above and foregoing reasons, including those set forth in the supporting materials, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,  
David M. Lee, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel.: (561) 691-7263  
Fax: (561) 691-7135  
Email: David.Lee@fpl.com



---

David M. Lee  
Florida Bar No. 103152

**CERTIFICATE OF SERVICE**  
**Docket 20200001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by electronic delivery on the 31st day of July 2020 to the following:

Suzanne Brownless  
Division of Legal Services  
**Florida Public Service Commission**  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
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**Attorneys for White Springs Agricultural  
Chemicals, Inc. d/b/a PCS Phosphate -  
White Springs**

By: 

David M. Lee  
Florida Bar No. 103152

\*Copies of Attachments B and C are available upon request.



**ATTACHMENT “B”**

**EDITED VERSION**

**FPL FPSC FORM**

**423-1(a)**

**R.W. SCHERER FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**


FPSC FORM NO. 423-1 (a)

1. REPORTING MONTH: MAY YEAR: 2020

2. REPORTING COMPANY: FLORIDA POWER LIGHT COMPANY

MONTHLY REPORT OF COST AND QUALITY OF FUEL OIL FOR ELECTRIC PLANTS  
 DETAIL OF INVOICE AND TRANSPORTATION CHARGES

3. NAME, TITLE TELEPHONE NUMBER OF CONTACT PERSON CONCERNING DATA  
 SUBMITTED ON THIS FORM: RENA E DEATON, REGULATORY AFFAIRS, (561) 691-2839

4. SIGNATURE OF OFFICIAL SUBMITTING REPORT: 

5. DATE COMPLETED: 07/20/2020

(A) LINE NO.	(B) PLANT	(C) SUPPLIER	(D) DELIVERY LOCATION	(E) DELIVERY DATE	(F) TYPE OIL	(G) VOLUME (BBL)	(H) INVOICE PRICE (\$/BBL)	(I) INVOICE AMOUNT (\$)	(J) DISCOUNT (\$)	(K) NET AMOUNT (\$)	(L) NET PRICE (\$/BBL)	(M) QUALITY ADJUST. (\$/BBL)	(N) EFFECTIVE PUR PRICE (\$/BBL)	(O) TRANSP TO TERM (\$/BBL)	(P) ADDITIONAL TRANS CHGS (\$/BBL)	(Q) OTHER CHGS (\$/BBL)	(R) DELIVERED PRICE (\$/BBL)
1	PCC	APEC		05/28/2020	F03	4584								0.0000			46.4691
2	PCC	APEC		05/29/2020	F03	2181								0.0000			44.2624
3	PRV	PORT		05/18/2020	F03	21419								0.0000			40.8589
4	POK	TOC		05/21/2020	F03	10968								0.0000			51.3063

**EDITED COPY**

**MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS  
ORIGIN, TONNAGE, DELIVERED PRICE, AND AS RECEIVED QUALITY**

- |                       |                               |       |      |   |
|-----------------------|-------------------------------|-------|------|---|
| 1. Reporting Month:   | April                         | Year: | 2020 | 4. Name, Title & Telephone Number of Contact Person Concerning Data Submitted on this Form: Renae Deaton<br>561 691-2839        |
| 2. Reporting Company: | FLORIDA POWER & LIGHT COMPANY |       |      | 5. Signature of Official Submitting Report:  |
| 3. Plant Name:        | R.W.SCHERER                   |       |      | 6. Date Completed: 20-Jul-20  |

<u>Line No.</u> (a)	<u>Supplier Name</u> (b)	<u>Mine Location</u> (c)	<u>Purchase Type</u> (d)	<u>Transport Mode</u> (e)	<u>Tons</u> (f)	<u>Purchase Price (\$/Ton)</u> (g)	<u>Effective Transport Charges (\$/Ton)</u> (h)	<u>Total FOB Plant Price (\$/Ton)</u> (i)	<u>Sulfur Content (%)</u> (j)	<u>Btu Content (Btu/lb)</u> (k)	<u>Ash Content (%)</u> (l)	<u>Moisture Content (%)</u> (m)
(1)	BUCKSKIN MINING CO.	19/WY/5	S	UR	11,158.19			43.090	0.34	8,394	4.51	29.81
(2)	KENNECOTT	19/WY/5	S	UR	20,977.69			43.519	0.29	8,525	4.68	29.27
(3)	PEABODY COALSALES, LLC	19/WY/5	S	UR	16,111.71			43.173	0.34	8,487	4.92	29.64


MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS  
 DETAILED PURCHASED COAL INVOICE INFORMATION

1. Reporting Month: April Year: 2020  
 2. Reporting Company: FLORIDA POWER & LIGHT COMPANY  
 3. Plant Name: R.W.SCHERER  
 4. Name, Title & Telephone Number of Contact Person Concerning Data Submitted on this Form: Renae Deaton 561 691-2839  
 5. Signature of Official Submitting Report:   
 6. Date Completed: 20-Jul-20

Line No. (a)	Supplier Name (b)	Mine Location (c)	Purch. Type (d)	Tons (e)	FOB Mine Price (\$/Ton) (f)	Shorthaul & Loading Charges (\$/Ton) (g)	Original Invoice Price (\$/Ton) (h)	Retroactive Price Increase (\$/Ton) (i)	Base Price (\$/Ton) (j)	Quality Adjustments (\$/Ton) (k)	Effective Purchase Price (\$/Ton) (l)
(1)	BUCKSKIN MINING CO.	19/WY/5	S	11,158.19		0.125		-		(0.244)	
(2)	KENNECOTT	19/WY/5	S	20,977.69		0.261		-		0.085	
(3)	PEABODY COALSALES, LLC	19/WY/5	S	16,111.71		0.290		-		(0.065)	

MONTHLY REPORT OF COST AND QUALITY OF COAL FOR ELECTRIC PLANTS  
 DETAILED TRANSPORTATION INVOICE INFORMATION

1. Reporting Month: April Year: 2020  
 2. Reporting Company: FLORIDA POWER & LIGHT COMPANY  
 3. Plant Name: R.W.SCHERER

4. Name, Title & Telephone Number of Contact Person Concerning Data  
 Submitted on this Form: Renae Deaton  
 561 691-2839  
 5. Signature of Official Submitting Report:   
 6. Date Completed: 20-Jul-20

Line No. (a)	Supplier Name (b)	Mine Location (c)	Shipping Point (d)	Transport Mode (e)	Tons (f)	Effective Purchase Price (\$/Ton) (g)	Additional Shorthaul & Loading Charges (\$/Ton) (h)	Rail Charges		Waterborne Charges				Other Related Charges (\$/Ton) (o)	Total Transportation Charges (\$/Ton) (p)	FOB Plant Price (\$/Ton) (q)
								Rail Rate (\$/Ton) (i)	Other Rail Charges (\$/Ton) (j)	River Barge Rate (\$/Ton) (k)	Trans-loading Rate (\$/Ton) (l)	Ocean Barge Rate (\$/Ton) (m)	Other Water Charges (\$/Ton) (n)			
(1)	BUCKSKIN MINING CO.	19/WY/5	BUCKSKIN JUNCTION, WY	UR	11,158.19	-	-	-	-	-	-	-	-	-	-	43.090
(2)	KENNECOTT	19/WY/5	CORDERO	UR	20,977.69	-	-	-	-	-	-	-	-	-	-	43.519
(3)	PEABODY COALSALES, LLC	19/WY/5	CABALLO	UR	16,111.71	-	-	-	-	-	-	-	-	-	-	43.173

**Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of April 2020:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-3	G, H	(1)

**Rationale for Confidentiality:**

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL’s disclosure of BNSF transportation rate information on FPL’s Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company (“GPC”) and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would “impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms” and would “impair the competitive business of” BNSF.
- 

**Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of April 2020:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(a)	1-3	F, H, J, L	(1)

**Rationale for Confidentiality:**

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL’s disclosure of BNSF transportation rate information on FPL’s Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company (“GPC”) and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would “impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms” and would “impair the competitive business of” BNSF.

**Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of April 2020:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(b)	1-3	G, I, P	(1)

**Rationale for Confidentiality:**

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL’s disclosure of BNSF transportation rate information on FPL’s Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company (“GPC”) and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would “impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms” and would “impair the competitive business of” BNSF.

**Justification for Confidentiality for Florida Power & Light Company Report of May 2020:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-1(a)	1-4	H	(1)
423-1(a)	1-4	I	(2)
423-1(a)	1-4	J	(2), (3)
423-1(a)	1-4	K	(2)
423-1(a)	1-4	L	(2)
423-1(a)	1-4	M	(2), (4)
423-1(a)	1-4	N	(2), (5)
423-1(a)	1-4	P	(6), (7), (8)
423-1(a)	1-4	Q	(6), (7), (8)



**Rationale for confidentiality:**

- (1) This information is contractual information which, if made public, “would impair the efforts of [FPL] to contract for goods or services on favorable terms.” Section 366.093(3)(d), Fla. Stat. The information delineates the price per barrel FPL has paid for fuel oil for specific shipments from specific suppliers. This information would allow suppliers to compare an individual supplier’s price with the market quote for that date of delivery and thereby determine the contract pricing formula between FPL and that supplier.

Contract pricing formulas generally contain two components, which are: (1) a markup in the market quoted price for that day; and (2) a transportation charge for delivery at an FPL chosen port of delivery. Discounts and quality adjustment components of fuel price contract formulas are discussed in paragraphs 3 and 4. Disclosure of the invoice price would allow suppliers to determine the contract price formula of their competitors. The knowledge of others’ prices (*i.e.*, contract formulas) among fuel oil suppliers is reasonably likely to cause the suppliers to converge on a target price, or to follow a price leader, effectively eliminating any opportunity for a major buyer like FPL to obtain price concessions from any one supplier. The end result is reasonably likely to be increased fuel oil prices and therefore increased electric rates.

- (2) The contract data found in Columns I through N are an algebraic function of Column H. That is, the publication of these Columns together, or independently, could allow a supplier to derive the invoice price of oil. Therefore, this information is confidential for the same grounds and reasons stated in paragraph (1).
- (3) If FPL fuel contracts provide for an early payment incentive in the form of a discount from the invoice price, the existence and amount of such discount is confidential for the reasons stated in paragraph (1) relative to price concessions.
- (4) For fuel that does not meet contract requirements, FPL may reject the shipment, or accept the shipment and apply a quality adjustment. The amount of the quality adjustment is, in effect, a pricing term which is as important as the price itself and is therefore confidential for the reasons stated in paragraph (1) relative to price concessions.
- (5) Column N is as important as H from a confidentiality standpoint because of the relatively few times that there are quality or discount adjustments. That is, Column N will equal Column H most of the time. Consequently, Column N needs to be protected for the same reasons as set forth in paragraph (1).
- (6) Column R is used to mask the delivered price of fuel such that the invoice or effective price of fuel cannot be determined. Columns P and Q are algebraic variables of Column R. Consequently, disclosure of Columns P and Q would allow a supplier to calculate the invoice or effective purchase price of oil (Columns H and N) by subtracting these columnar variables from Column R. Therefore, this information is confidential for the same grounds and reasons stated in paragraphs (1) and (5).

- (7) Terminaling and transportation services in Florida tend to have the same, if not more severe, oligopolistic attributes of fuel oil suppliers. Due to the small demand in Florida for both of these services, market entry is difficult. In instances in which FPL has attempted to determine the level of interest in bidding either or both of these services, FPL has found only a very few qualified parties with such an interest. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for terminaling and transportation services. This information is contractual information which, if made public, “would impair the efforts of [FPL] to contract for goods or services on favorable terms.” Section 366.093(3)(d), Fla. Stat.
- (8) Petroleum inspection services also have the market characteristics of an oligopoly. Due to the limited number of fuel terminal operations, there are correspondingly few requirements for fuel inspection services. In FPL’s last bidding process for petroleum inspection services, only six qualified bidders were found for FPL’s bid solicitations. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for petroleum inspection services. This information is contractual information which, if made public, “would impair the efforts of [FPL] to contract for goods or services on favorable terms.” Section 366.093(3)(d), Fla. Stat.

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**Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of May 2020:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2	1-4	G, H	(1)

**Rationale for Confidentiality:**

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL’s disclosure of BNSF transportation rate information on FPL’s Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company (“GPC”) and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would “impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms” and would “impair the competitive business of” BNSF.

**Justification for Confidentiality for R.W. Scherer (Plant Scherer) Report of May 2020:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(a)	1-4	F, H, J, L	(1)

**Rationale for Confidentiality:**

- (1) On April 1, 2010, FPL was contacted by the BNSF Railway, which transports coal to Plant Scherer, concerning FPL's disclosure of BNSF transportation rate information on FPL's Form 423 filing. BNSF has asserted that the transportation rate information is confidential pursuant to its Rail Transportation Agreement BNSF-C-12339 with Georgia Power Company ("GPC") and that FPL is obligated to maintain the confidentiality of that information. Accordingly, FPL is designating as confidential certain information in the Form 423 filing that, by itself or in conjunction with other information in the filing, would reveal publicly BNSF transportation rate information. FPL argues that this information is confidential under Sections 366.093(3)(d) and 366.093(3)(e), Fla. Stat., because its disclosure would "impair the efforts of [GPC, as agent for FPL] to contract for goods and services on favorable terms" and would "impair the competitive business of" BNSF.
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<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMNS</u>	<u>RATIONALE</u>
423-2(b)	1-4	G, I, P	(1)

**Rationale for Confidentiality:**

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**Justification for Confidentiality for Florida Power & Light Company Report of June 2020:**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-1(a)	1	H	(1)
423-1(a)	1	I	(2)
423-1(a)	1	J	(2), (3)
423-1(a)	1	K	(2)
423-1(a)	1	L	(2)
423-1(a)	1	M	(2), (4)
423-1(a)	1	N	(2), (5)
423-1(a)	1	P	(6), (7), (8)
423-1(a)	1	Q	(6), (7), (8)

**Rationale for confidentiality:**

- (1) This information is contractual information which, if made public, “would impair the efforts of [FPL] to contract for goods or services on favorable terms.” Section 366.093(3)(d), Fla. Stat. The information delineates the price per barrel FPL has paid for fuel oil for specific shipments from specific suppliers. This information would allow suppliers to compare an individual supplier’s price with the market quote for that date of delivery and thereby determine the contract pricing formula between FPL and that supplier.

Contract pricing formulas generally contain two components, which are: (1) a markup in the market quoted price for that day; and (2) a transportation charge for delivery at an FPL chosen port of delivery. Discounts and quality adjustment components of fuel price contract formulas are discussed in paragraphs 3 and 4. Disclosure of the invoice price would allow suppliers to determine the contract price formula of their competitors. The knowledge of others’ prices (i.e., contract formulas) among fuel oil suppliers is reasonably likely to cause the suppliers to converge on a target price, or to follow a price leader, effectively eliminating any opportunity for a major buyer like FPL to obtain price concessions from any one supplier. The end result is reasonably likely to be increased fuel oil prices and therefore increased electric rates.

- (2) The contract data found in Columns I through N are an algebraic function of Column H. That is, the publication of these Columns together, or independently, could allow a supplier

to derive the invoice price of oil. Therefore, this information is confidential for the same grounds and reasons stated in paragraph (1).

- (3) If FPL fuel contracts provide for an early payment incentive in the form of a discount from the invoice price, the existence and amount of such discount is confidential for the reasons stated in paragraph (1) relative to price concessions.
- (4) For fuel that does not meet contract requirements, FPL may reject the shipment, or accept the shipment and apply a quality adjustment. The amount of the quality adjustment is, in effect, a pricing term which is as important as the price itself and is therefore confidential for the reasons stated in paragraph (1) relative to price concessions.
- (5) Column N is as important as H from a confidentiality standpoint because of the relatively few times that there are quality or discount adjustments. That is, Column N will equal Column H most of the time. Consequently, Column N needs to be protected for the same reasons as set forth in paragraph (1).
- (6) Column R is used to mask the delivered price of fuel such that the invoice or effective price of fuel cannot be determined. Columns P and Q are algebraic variables of Column R. Consequently, disclosure of Columns P and Q would allow a supplier to calculate the invoice or effective purchase price of oil (Columns H and N) by subtracting these columnar variables from Column R. Therefore, this information is confidential for the same grounds and reasons stated in paragraphs (1) and (5).
- (7) Terminaling and transportation services in Florida tend to have the same, if not more severe, oligopolistic attributes of fuel oil suppliers. Due to the small demand in Florida for both of these services, market entry is difficult. In instances in which FPL has attempted to determine the level of interest in bidding either or both of these services, FPL has found only a very few qualified parties with such an interest. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for terminaling and transportation services. This information is contractual information which, if made public, "would impair the efforts of [FPL] to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.
- (8) Petroleum inspection services also have the market characteristics of an oligopoly. Due to the limited number of fuel terminal operations, there are correspondingly few requirements for fuel inspection services. In FPL's last bidding process for petroleum inspection services, only six qualified bidders were found for FPL's bid solicitations. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for petroleum inspection services. This information is contractual information which, if made public, "would impair the efforts of [FPL] to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.

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423-2	1-4	G, H	(1)

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