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September 3, 2021

-VIA HAND DELIVERY -

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

REDACTED

Re: Docket No. 20210001-EI

Dear Mr. Teitzman:

I enclose for filing on behalf of Florida Power & Light Company ("FPL") is FPL's Request for Confidential Classification of Capacity Payments to Non-Cogenerators Identified in Exhibit RBD-7, Appendix IV, Schedule E12 to the prepared testimony of FPL witness Ranae B. Deaton. 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 in an envelope 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 Request for Confidential Classification. Exhibit D is the declaration in support of FPL's Request for Confidential Classification. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

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

- COM
- AFD 1 EXH B
- APA
- ECO
- ENG
- GCL
- IDM
- CLK

Sincerely,

David M. Lee

Enclosures
cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)
Florida Power & Light Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20210001-EI

Date: September 3, 2021

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CAPACITY
PAYMENTS TO NON-COGENERATORS IDENTIFIED IN SCHEDULE E12**

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 Schedule E12 of Appendix IV to Exhibit RBD-7 to the prepared testimony of FPL witness Renae B. Deaton (the "Confidential Information"). In support of this request, FPL states as follows:

1. On September 3, 2021, FPL submitted the prepared testimony of FPL witness Renae B. Deaton in this docket. Schedule E12 of Appendix IV to Exhibit RBD-7 to the testimony contains information regarding FPL's capacity payments to specific non-cogenerator counterparties, which is of a confidential nature. This Request seeks confidential classification of the Confidential Information consistent with Rule 25-22.006.
2. The following exhibits are included with and made a part of this Request:
 - a. Exhibit A consists of a copy of Schedule E12 to Appendix IV in which all of the confidential information is highlighted.
 - b. Exhibit B consists of two copies of Schedule E12 to Appendix IV in which all of the confidential information is redacted.
 - c. Exhibit C is a table that identifies by page, line or column the Confidential Information, together with references to 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.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (“Section 366.093(3)”). 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 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. FPL seeks confidential protection for the highlighted information contained in Schedule E12, which identifies capacity payments to non-cogenerators. The highlighted information consists of contractual data about FPL’s capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL’s marketing and procurement practices and impair FPL’s ability to contact for capacity on favorable terms, to the detriment of FPL and its customers. Such information is protected by Section 366.093(3)(d), Fla. Stat. This information also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity. The disclosure of this information would impair their competitive businesses. Such information is protected by Section 366.093(3)(e), Fla. Stat.

5. Upon a finding by the Commission that the Confidential Information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information within Section 366.093(3), such information should not be declassified for a period of 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. *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,

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By: 

David M. Lee
Florida Bar No. 103152

CERTIFICATE OF SERVICE
Docket No. 20210001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification* has been furnished by electronic mail on this 3rd day of September 2021 to the following:

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By: _____



David M. Lee
Florida Bar No. 103152

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

EXHIBIT "B"

Docket No. 20210001-EI
Schedule E12 of Appendix IV to Exhibit RBD-7

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Florida Power & Light Company												
2	Schedule E12 - Capacity Costs												
3	Page 2 of 2												
4													
5													
6													
7	2022 Projection												
8													
9	<u>Contract</u>	<u>Counterparty</u>						<u>Identification</u>	<u>Contract Start Date</u>	<u>Contract End Date</u>			
10	1	Solid Waste Authority (40MW)						Other Entity	January 1, 2012	April 1, 2032			
11	2	Solid Waste Authority (70MW)						Other Entity	July 16, 2016	May 31, 2034			
12	3	Central Alabama / Shell						Other Entity	November 2, 2009	May 31, 2023			
13													
14													
15	2022 Capacity in MW												
16													
17	<u>Contract</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>
18	1	40	40	40	40	40	40	40	40	40	40	40	40
19	2	70	70	70	70	70	70	70	70	70	70	70	70
20	3	885	885	885	885	885	885	885	885	885	885	885	885
21	Total	995	995	995	995	995	995	995	995	995	995	995	995
22													
23	2022 Capacity in Dollars												
24													
25	<u>Contract</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>
26	1												
27	2												
28	3												
29	Total												
30													
31	Total Capacity Payments to Non-Cogenerators for 2022 ⁽¹⁾						91,885,200						
32													
33	(1) Total short-term capacity payments do not include payments for the Solid Waste Authority - 70 MW unit. Capacity costs for this unit were recovered through the Energy Conservation												
34	Cost Recovery Clause in 2014, consistent with Commission Order No. PSC-11-0293-FOF-EU issued in Docket No. 110018-EU on July 6, 2011.												

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor
DOCKET NO: 20210001-EI
DATE: September 3, 2021

Description	Page No.	Column No./Line No.	Florida Statute 366.093 (3) Subsection	Declarant
Exhibit RBD-7, Appendix IV, Schedule E12: FPL Capacity Payments to Non-Cogenerators (2022 Projected)	2 of 2	Lines 26-29, Cols. B-M	(d), (e)	G. Yupp

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20210001-EI

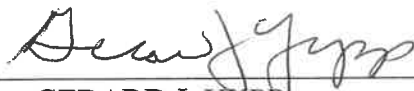
DECLARATION OF GERARD J. YUPP

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 written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of Capacity Payments to Non-Cogenerators Identified in Schedule E12. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information comprise information concerning contractual data about FPL's capacity payments to specific counterparties. Disclosure of this contractual information would provide other market participants insight into FPL's marketing and procurement practices and impair FPL's ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. The information contained in Schedule E12 also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

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: 8/31/21