



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

April 1, 2022

-VIA HAND DELIVERY -

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

REDACTED

RECEIVED-FPSC
2022 APR - 1 PM 2:39
COMMISSION
CLERK

Re: Docket No. 20220001-EI

Dear Mr. Teitzman:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") is FPL's Request for Confidential Classification of certain information provided in exhibits to the prepared direct testimony of FPL witnesses Renae B. Deaton (RBD-2 and RBD-4) and Gerard J. Yupp (GJY -1). 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.

Sincerely,

David M. Lee

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

Enclosures

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20220001-EI

Date: April 1, 2022

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF CERTAIN PORTIONS OF EXHIBITS RBD-2, RBD-4, AND GJY-1**

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 exhibits to the prepared direct testimony of FPL witnesses Renae B. Deaton (RBD-2 and RBD-4) and Gerard J. Yupp (GJY-1) (the “Confidential Information”). In support of this request, FPL states as follows:

1. On April 1, 2022, FPL submitted the prepared testimony of FPL witnesses Renae B. Deaton and Gerard J. Yupp. Including Exhibits RBD-2, RBD-4, and GJY-1 in this docket. 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 as though fully restated herein:

a. Exhibit A consists of a copy of confidential material on which all of the information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of two copies of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted. A copy of the redacted Exhibits is also included in the copy of the prepared testimony of FPL witnesses Deaton and Yupp.

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. 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. As more fully described in the declaration in Exhibit D, the documents provided by FPL contain information concerning contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

5. As also described in the declaration in Exhibit D, the information relates to competitive interests, the disclosure of which would impair the competitive businesses of FPL or its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat.

6. 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, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Maria J. Moncada, Esq.
Managing Attorney
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

By: _____



David M. Lee
Florida Bar No. 103152

CERTIFICATE OF SERVICE
Docket No. 20220001-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 1st day of April 2022 to the following:

Suzanne Brownless
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us

J. Jeffrey Wahlen
Malcolm N. Means
Ausley & McMullen
P.O. Box 391
Tallahassee, Florida 32302
jwahlen@ausley.com
mmeans@ausley.com
Attorneys for Tampa Electric Company

Paula K. Brown, Manager
Tampa Electric Company
Regulatory Coordinator
Post Office Box 111
Tampa, Florida 33601-0111
regdept@tecoenergy.com

Michelle D. Napier
Director, Regulatory Affairs Distribution
Florida Public Utilities Company
1635 Meathe Drive
West Palm Beach, FL33411
mnapier@fpuc.com

Beth Keating
Gunster Law Firm
215 South Monroe St., Suite 601
Tallahassee, Florida 32301-1804
bkeating@gunster.com
Attorneys for Florida Public Utilities Company

Richard Gentry
Patricia A. Christensen
Charles J. Rehwinkel
Stephanie Morse
Anastacia Pirrello
Mary Wessling
Office of Public Counsel
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400
gentry.richard@leg.state.fl.us
christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
morse.stephanie@leg.state.fl.us
pirrello.anastacia@leg.state.fl.us
wessling.mary@leg.state.fl.us

Dianne M. Triplett
299 First Avenue North
St. Petersburg, Florida 33701
dianne.triplett@duke-energy.com

Matthew R. Bernier
Robert L. Pickels
Stephanie A. Cuello
Duke Energy Florida
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
robert.pickels@duke-energy.com
matthew.bernier@duke-energy.com
FLRegulatoryLegal@duke-energy.com
stephanie.cuello@duke-energy.com
Attorneys for Duke Energy Florida

Mike Cassel
Vice President/Government and
Regulatory Affairs
Florida Public Utilities Company
208 Wildlight Ave.
Yulee, Florida 32097
mcassel@fpuc.com

Peter J. Mattheis
Michael K. Lavanga
Joseph R. Briscar
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
pjm@smxblaw.com
mkl@smxblaw.com
jrb@smxblaw.com
Attorneys for Nucor Steel Florida, Inc.

Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
mqualls@moylelaw.com
**Attorneys for Florida Industrial Power
Group**

James W. Brew
Laura Wynn Baker
Stone Mattheis Xenopoulos & Brew, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007
jbrew@smxblaw.com
lwb@smxblaw.com
**Attorneys for PCS Phosphate-White
Springs**

By: 

David M. Lee
Florida Bar No. 103152

* Copies of Exhibits C and D are available upon request.

Docket No. 20220001-EI

EXHIBIT “B”

**PORTIONS OF TESTIMONY EXHIBITS
RBD-2, RBD-4 & GJY-1**

	A	B	C	D	E	F	G	H	I
1	ASSET OPTIMIZATION DETAIL								
2	Actual for the Period of: January 2021 through December 2021								
3									
4	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5		Natural Gas	Natural Gas	Natural Gas	Natural Gas	Natural Gas	Natural Gas	OBA	Total
6		Delivered City-Gate	Production Area	Capacity Release	Option	Storage	AMA	Service	Asset Optimization
7		Sales	Sales	Firm Transport	Premiums	Optimization	Gains	Gains	Gains
8	Month	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
10	January								1,947,460
12	February								3,538,289
14	March								1,672,584
16	April								1,307,323
18	May								1,532,932
20	June								1,343,725
22	July								1,408,097
24	August								1,277,984
26	September								1,295,767
28	October								1,360,304
30	November								1,619,148
32	December								2,040,463
34	Total	1,719,251	539,441	3,614,328	7,783,771	2,392,644	4,246,643	48,000	20,344,077

Gulf Power Company
2021 Capacity Contracts

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1																
2																
3																
4																
5																
6																
7																
8																
9	1.	<u>Contract/Counterparty</u>		<u>Term</u>			<u>Contract</u>									
10	2.	Southern Intercompany Interchange		Start	End ⁽¹⁾		Type									
11		PPAs		5/1/2007	5 Yr Notice		SES Opco									
12	3.	Shell Energy N.A. (U.S.), LP		11/2/2009	5/31/2023		Firm									
13		Other														
14	4.	South Carolina PSA		9/1/2003	-		Other									
15	5.	REMC Corporation		1/1/2021	2/26/2021		Other									
16																
17																
18	6.	<u>Capacity Costs (\$)</u>		<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Total</u>
19	7.	Southern Intercompany Interchange		January	February	March	April	May	June	July	August	September	October	November	December	
20		PPAs														(575,735)
21	8.	Shell Energy N.A. (U.S.), LP														83,150,225
22																
23		Other														
24	9.	South Carolina PSA														(37,162)
25	10.	REMC Corporation														45,330
26		Total		7,042,704	6,746,140	7,013,235	7,017,077	6,090,147	7,017,077	6,989,589	6,989,589	6,988,031	6,990,014	6,989,663	6,709,394	82,582,658
27																
28																
29																
30	11.	<u>Capacity MW</u>		<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	
31	12.	Southern Intercompany Interchange		January ⁽²⁾	February ⁽²⁾	March	April	May	June	July	August	September	October ⁽²⁾	November	December ⁽²⁾	
32		PPAs		1.0	(220.0)	(3)						(14)	5.0	0	(127.0)	
33	13.	Shell Energy N.A. (U.S.), LP		885.0	885.0	885.0	885.0	885.0	885.0	885.0	885.0	885.0	885.0	885.0	885.0	
34																
35		Other														
36	14.	South Carolina PSA		(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	
37	15.	REMC Corporation		31.0	31.0											
38																
39																
40																
41																
42																
43																

(1) Unless otherwise noted, contract remains effective unless terminated upon 30 days prior written notice.

(2) Southern Intercompany Interchange reserve sharing prior month true up only.

	A	B	C	D	E	F	G	H	I	J	K	L	M	
1	Florida Power & Light Company													
2	Schedule A12 - Capacity Costs: Payments to Non-cogenerators													
3	Page 2 of 2													
4														
5														
6														
7	For the Month of Dec-21													
8														
9														
10	<u>Contract</u>	<u>Counterparty</u>							<u>Identification</u>	<u>Contract Start Date</u>	<u>Contract End Date</u>			
11	1	Solid Waste Authority - 40 MW							Other Entity	January, 2012	March 31, 2032			
12	2	Solid Waste Authority - 70 MW							Other Entity	July, 2015	May 31, 2034			
13														
14														
15	<u>2021 Capacity in MW</u>													
16														
17	<u>Contract</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</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														
21	Total	110	110	110	110	110	110	110	110	110	110	110	110	
22														
23	<u>2021 Capacity in Dollars</u>													
24														
25		<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	
26	Total	1,317,600	1,317,600	1,317,600	1,317,600	1,317,600	1,364,000	1,364,000	1,364,000	1,364,000	1,364,000	1,364,000	1,364,000	
27														
28	<u>Year-to-date Short Term Capacity Payments</u>				16,136,000 ⁽¹⁾									
29														
30	(1) Total capacity costs do not include payments for the Solid Waste Authority - 70 MW unit. Capacity costs for this unit were recovered through the Energy Conservation 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.													
31														
32														
33	<u>Contract</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	
34	1													
35	2													
36														
37														
38	<u>True ups</u>													
39	1													
40	2													
41														
42														

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: 20220001-EI
DATE: April 1, 2022

Exhibit No.	Description	Pages	Conf Y/N	Column No./Line No.	Florida Statute 366.093 (3) Subsection	Declarant
RBD-2	Schedule A12 - Capacity Costs	2	N Y	Pg. 1 Pg. 2, Cols. B-M, Lns 34, 39 and 40 Cols. B-D, Line 35	(d), (e)	G. Yupp
RBD-4	Schedule CCA-5 – 2021 Capacity Contracts	1	Y	Cols. D through F and L through O, Line 19 Cols. D through O, Lns 21 and 24 Cols. D-E, Lines 25	(d), (e)	G. Yupp
GJY-1	Asset Optimization Detail - 2021	4	N Y N	Pgs. 1-2 Pg. 3, Cols. B-H, Lns. 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 & 32 Pg. 4	(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: 20220001-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 exhibits to FPL's Request for Confidential Classification of Information included in the testimony of FPL witness Renae B. Deaton (Exhibits RBD-2 and RBD-4) and the testimony of FPL witness Gerard J. Yupp (Exhibit GJY-1). The documents and materials which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the documents contain information related to the pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms for the benefit of its customers. The information provided by FPL also contains information related to the competitive interests of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive businesses of the providers of the information. Additionally, the documents contain financial details related to FPL's asset optimization activities for natural gas and electric transmission. The disclosure of this information would impair FPL's ability to execute transactions for natural gas commodity sales, natural gas storage, natural gas transportation, and electricity transmission on favorable terms for the benefit of its customers. Disclosure also would impair the competitive interests of FPL and its vendors and would place FPL at a competitive disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of this information.

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: 3/29/22