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September 5, 2023

REDACTED

VIA HAND DELIVERY

Mr. Adam Teitzman
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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2023 SEP -5 PM 4: 22
COMMISSION
CLERK

**Re: Docket No. 20230001-EI
Florida Power & Light Company Request for Confidential Classification**

Dear Mr. Teitzman:

Enclosed for filing in the above docket is Florida Power & Light Company's ("FPL") Request for Confidential Classification of certain Capacity Payments to Non-Cogenerators identified in Exhibit EJA-10, Schedule E12 to the prepared testimony of FPL witness Edward J. Anderson filed today in the above referenced docket. 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 a declaration in support of FPL's request.

Please contact me if you or your Staff have 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)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20230001-EI

Filed: September 5, 2023

**FLORIDA POWER & LIGHT COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF CAPACITY PAYMENTS
TO NON-COGENERATORS IDENTIFIED IN SCHEDULE E12 TO EJA-10**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information contained in Schedule E12 to Exhibit EJA-10 to the prepared testimony of FPL witness Edward J. Anderson (the "Confidential Documents"). In support of this Request, FPL states as follows:

1. On September 5, 2023, FPL submitted the prepared testimony of witness Edward J. Anderson in this docket. Schedule E12 to Exhibit EJA-10 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 attached to and made a part of this Request:

a. Exhibit A consists of Schedule E12 in which all information that FPL asserts is entitled to confidential treatment is highlighted.

b. Exhibit B consist of two copies of Schedule E12, in which the information FPL asserts is confidential has been redacted.

c. Exhibit C is a table that identifies the information highlighted in Exhibit A and references the specific statutory basis 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 (“F.S.”). This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., 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. 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 contract for capacity on favorable terms, to the detriment of FPL and its customers. Such information is protected by Sections 366.093(3)(d), F.S. 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), F.S.

5. Upon a finding by the Commission that the information contained in the Confidential Documents is proprietary and confidential business information, the information should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* Section 366.093(4), F.S.

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,

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By: _____



David M. Lee
Florida Bar No. 103152

CERTIFICATE OF SERVICE
Docket 20230001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing* has been furnished by electronic delivery on this 5th day of September 2023 to the following:

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By: 
David M. Lee
Florida Bar No. 103152

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

Docket No. 20230001-EI

EXHIBIT “B”

REDACTED

**FPL’s SEPTEMBER 5, 2023, TESTIMONY OF
EDWARD J. ANDERSON (SCHEDULE E12 TO
EXHIBIT EJA-10)**

1 Florida Power & Light Company
 2 Schedule E12 - Capacity Costs
 3 Page 2 of 2

7 2024 Projection

A B C D E F G H I J K L

Contract	Counterparty	Identification	Contract Start Date	Contract End Date
1	Solid Waste Authority (40MW)	Other Entity	January 1, 2012	April 1, 2032
2	Solid Waste Authority (70MW)	Other Entity	July 16, 2016	May 31, 2034
3	Southern Company Services	Other Entity	January 1, 2024	February 29, 2024

15 2024 Capacity in MW

Contract	January	February	March	April	May	June	July	August	September	October	November	December
1	40	40	40	40	40	40	40	40	40	40	40	40
2	70	70	70	70	70	70	70	70	70	70	70	70
3	250	250										
Total	360	360	110	110	110	110	110	110	110	110	110	110

23 2024 Capacity in Dollars

Contract	January	February	March	April	May	June	July	August	September	October	November	December
1												
2												
3												
Total	3,960,400	3,960,400	1,460,400	1,460,400	1,460,400	1,511,200	1,511,200	1,511,200	1,511,200	1,511,200	1,511,200	1,511,200

Total Capacity Payments to Non-Cogenerators for 2024 (1)	22,880,400
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(1) Exhibit EJA-10 page 1, line 1

Docket No. 20230001-EI

EXHIBIT “C”

**FPL’s SEPTEMBER 5, 2023, TESTIMONY OF
EDWARD J. ANDERSON (SCHEDULE E12 TO
EXHIBIT EJA-10)**

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 20230001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor
SUBJECT: FPL's Projections Filing, Exh. EJA-10, Sch. E12.
DATE: September 5, 2023

Description	Page Nos.	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Declarant
Exhibit EJA-10, Schedule E12	2 of 2	Lines 26-28, Cols. A-L	(d) and (e)	Gerard J. Yupp

Docket No. 20230001-EI

EXHIBIT “D”

**FPL’s SEPTEMBER 5, 2023, TESTIMONY OF
EDWARD J. ANDERSON (SCHEDULE E12 TO
EXHIBIT EJA-10)**

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20230001-EI

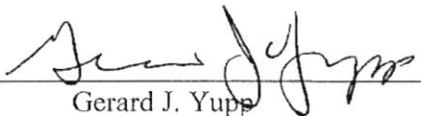
DECLARATION OF GERARD J. YUPP

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Wholesale Operations, Energy Marketing and Trading. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed Exhibit C and the documents and information included in Exhibit A of FPL's Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. The documents also contain information relating competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the confidential documents contain information 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 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, 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: 8/30/23