



RECEIVED-FPSC

11 SEP 29 PM 2: 37

COMMISSION CLERK

Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
561-304-5795
(561) 691-7135 (Facsimile)
E-mail: maria.moncada@fpl.com

September 29 2011

-VIA HAND DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

For DN 07081-11, which is in locked storage. You must be authorized to view this DN.-CLK

Re: Docket No. 110001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's Sixth Set of Interrogatories Nos. 37, 41, 45, 47 through 49. The original includes Exhibit A through D. The copies include Exhibits C and D only.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and 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 contains FPL's justification table for its Request for Confidential Classification. Exhibit D contains the affidavit of Gerard Yupp in support of FPL's Request for Confidential Classification. In accordance with Rule 25.22.006(3)(d), FPL requests confidential treatment of information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C.

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

- COM
- APA
- ECR
- GCL
- RAD
- SRC
- ADM
- OPC
- CLK

3 CDs containing request and exhibit C.

Sincerely,

for

Maria J. Moncada

Enclosure

cc: Counsel for Parties of Record (w/o encl.)

DOCUMENT NUMBER-DATE

07080 SEP 29 =

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power)
Cost Recovery Clause with Generating)
Performance Incentive Factor)

Docket No: 110001-EI
Filed: September 29, 2011

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED IN RESPONSE TO STAFF'S SIXTH SET OF INTERROGATORIES**

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 response to Staff's Sixth Set of Interrogatories Nos. 37, 41, 45, 47 through 49 ("Confidential Discovery Responses") which was served by Staff on September 9, 2011. In support of its Request, FPL states as follows:

1. FPL served its non-confidential responses to Staff's Sixth Set of Interrogatories on September 29, 2011. This request is being served contemporaneously with those responses in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

2. The following exhibits are included with and made a part of this request:

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

b. Exhibit B consists of an edited version of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment has been redacted.

DOCUMENT NUMBER - 11A11

07080 SEP 29 =

FPSC-COMMISSION CLERK

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Gerard J. Yupp, Senior Director of Wholesale Operations, in FPL's Energy, Marketing and Trading Division.

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 determined 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 hard of disclosure against the public interest in access to the information.

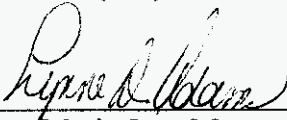
4. As the affidavit included in Exhibit D indicates, the information provided by FPL contains information concerning bids or other contractual data about FPL's hedging transactions with various counterparties, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms within the meaning of Section 366.093(3)(d), F.S. The data provided also includes specific information about FPL's procedures and activities related to managing credit risk exposure to financial counterparties. This information relates to competitive interests, the disclosure of which would impair the competitive business of FPL's counterparties. Such information is protected by Section 366.093(3)(e), F.S. In addition, the information provided by FPL contains trade secrets, which are protected under Section 366.093(3)(a), F.S. Specifically, the documents contain information regarding FPL's monthly

hedging results for natural gas. The disclosure of this trade-secret information would provide other participants in the fuel and financial markets insight into FPL's hedging practices that would allow them to anticipate FPL's trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. The public disclosure of certain information provided would also place FPL at a competitive disadvantage when coupled with other information that is publicly available.

5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D is proprietary confidential business information, the 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* S. 366.093(4), Fla. Stat.

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Discovery Responses as described herein.

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Managing Attorney
Maria Jose Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: 
for Maria Jose Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE

Docket No. 110001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing** has been furnished by hand delivery(*) or United States mail on September 29, 2011 to the following:

Lisa Bennett, Esq.*
Jennifer Crawford, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
lbennett@psc.state.fl.us
jcrawford@psc.state.fl.us

J. R. Kelly, Esq.
Patricia Christensen, Esq.
Charles Rehwinkel, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
Kelly.jr@leg.state.fl.us
Christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us

James D. Beasley, Esq
J. Jeffrey Wahlen, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302
jbeasley@ausley.com
jwahlen@ausley.com

John T. Burnett, Esq./Dianne M. Triplett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
dianne.triplett@pgnmail.com

John W. McWhirter, Jr., Esq
McWhirter & Davidson, P.A.
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33602
jmcwhirter@mac-law.com

Beth Keating, Esq.
Gunster Firm
Attorneys for FPUC
215 So. Monroe St., Suite 618
Tallahassee, Florida 32301- 1804
bkeating@gunster.com

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
501 Commendencia Street
Pensacola, FL 32502
jas@beggslane.com
rab@beggslane.com

James W. Brew, Esq / F. Alvin Taylor, Esq.
Attorney for White Springs
Brickfield, Burchette, Ritts & Stone, P.C
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 2007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com

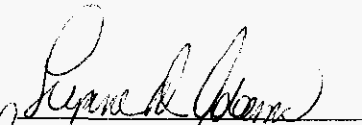
Robert Scheffel Wright, Esq.
Gardner, Bist, Wiener, et al., P.A.
Attorneys for Florida Retail Federation and
City of Marianna
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com

Jon C. Moyle, Esq. and Vicki Kaufman, Esq.
Keefe, Anchors Gordon & Moyle, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301
Co-Counsel for FIPUG
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

Patrick K. Wiggins
AFFIRM
Grossman, Furlow & Bayó, L.L.C.
2022-2 Raymond Diehl Road
Tallahassee, FL 32308
p.wiggins@gfblawfirm.com

Michael Barrett, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
mbarrett@psc.state.fl.us

Karen S. White, Esq
Staff Attorney
AFLOA/JACL-ULT/FLOA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5317
Attorney for the Federal Executive Agencies
Karen.White@tyndall.af.mil

By: 
Maria Jose Moncada

**The exhibits to this Request are not included with the service copies, but a redacted version of the Confidential Discovery Responses is included with the interrogatory responses that are being served on all parties, and copies of Exhibits C and D are available upon request.