

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of negotiated renewable energy contracts with U.S. EcoGen Okeechobee, LLC, U.S. EcoGen Clay, LLC, and U.S. EcoGen Martin, LLC, by Florida Power & Light Company.

DOCKET NO. 120314-EQ
ORDER NO. PSC-13-0031-CFO-EQ
ISSUED: January 15, 2013

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 08206-12)

BY THE COMMISSION:

On December 18, 2012, Florida Power & Light Company (FPL) requested confidential classification of certain contractual information included in its attachment to its petition for approval of negotiated power purchase agreement with U.S. EcoGen, Okeechobee, LLC, and contained in Document No. 08206-12. The justification for the confidential classification is attached hereto and incorporated herein as Attachment A.

FPL stated that the information met the definition of "proprietary confidential business information" pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(4), Florida Administrative Code (F.A.C.), in that: (1) the information concerns contractual data and includes terms and pricing, the disclosure of which would impair its efforts to contract for goods or services on favorable terms; (2) FPL treats the information as proprietary confidential business information; and (3) the information has not been publicly disclosed.

Pursuant to Section 366.093(1), F.S., information that this Commission finds to be proprietary confidential business information must be kept confidential and exempt from Section 119.07(1), F.S., [the Public Records Act]. Proprietary confidential business information is defined as information that is intended to be and is treated by the company as private and has not been voluntarily disclosed to the public. Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes, but is not limited to, information relating to bids, other contractual data, or competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

I find that the information identified in Attachment A to this Order satisfies the criteria set forth in Section 366.093, F.S., for classification as proprietary confidential business information. The information relates to bids, other contractual data, and competitive interests, and public disclosure of this information would cause harm to FPL, its affiliates' business operations, and ratepayers. Therefore, I find it appropriate to grant FPL's request for confidential classification of the information described in Document No. 08206-12.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FPL or another affected person shows, and this Commission finds, that the information continues to be proprietary confidential business information.

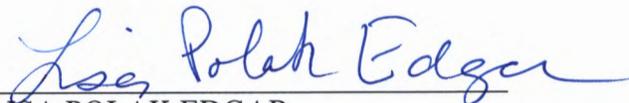
Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of certain contractual information included in its attachment to its petition (Document No. 08206-12), as identified in Attachment A, is granted. It is further

ORDERED that the confidentiality granted to the information specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 15th day of January, 2013.



LISA POLAK EDGAR

Commissioner and Prehearing Officer
Florida Public Service Commission
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Tallahassee, Florida 32399
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

PER

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

ATTACHMENT A

COMPANY: Florida Power & Light Company**TITLE: List of Confidential Documents****DOCKET TITLE: Florida Power & Light Company's Petition for Approval of Negotiated Renewable Energy Contracts with U.S. EcoGen Okeechobee, LLC, U.S. EcoGen Clay, LLC, and U.S. EcoGen Martin, LLC****DATE: December 18, 2012**

Document	Page #	Line/ Column/ Description	366.093 (3) F.S.	Affiant
Purchase Agreement between US Ecogen Okeechobee, LLC and FPL	iii	Appendix 6 Title	e	Thomas L. Hartman
	3	Lines 21 - 23	e	Thomas L. Hartman
	4	Lines 3, 4	e	Thomas L. Hartman
	6	Lines 5 - 6	e	Thomas L. Hartman
	11	Line 25	e	Thomas L. Hartman
	12	Line 7	e	Thomas L. Hartman
	13	Line 40	e	Thomas L. Hartman
	14	Line 16	e	Thomas L. Hartman
	15	Line 39	e	Thomas L. Hartman
	16	Lines 4, 10	e	Thomas L. Hartman
	17	Lines 4, 16-17	e	Thomas L. Hartman
	18	Lines 12, 14, 27	e	Thomas L. Hartman
19	Line 31	e	Thomas L. Hartman	

	20	Lines 22, 24, 25, 26, 40	e	Thomas L. Hartman
	24	Lines 25, 29- 30	e	Thomas L. Hartman
	26	Lines 3-4, 15- 16, 24, 35-36	e	Thomas L. Hartman
	27	Lines 25-26	e	Thomas L. Hartman
	30	Line 45	e	Thomas L. Hartman
	33	Line 10	e	Thomas L. Hartman
	35	Lines 7, 8-9, 12, 15-16	e	Thomas L. Hartman
	36	Lines 40-41	e	Thomas L. Hartman
	37	Lines 9-10, 12- 13	e	Thomas L. Hartman
	41	Line 41	e	Thomas L. Hartman
	42	Lines 3, 11-12	e	Thomas L. Hartman
	43	Lines 34-35	e	Thomas L. Hartman
	44	Lines 11-15, 16-31, 45-46	e	Thomas L. Hartman
	45	Lines 13-14, 16	e	Thomas L. Hartman
	Appendix 2-1	Lines 8-9, 13, 19, Max/Min Committed Capacity in MW (Table) Lines 39-42, 45-46, 48	e	Thomas L. Hartman

	Appendix 2-2	Line 1	e	Thomas L. Hartman
	Appendix 4-1	Lines 7, 9, 11, 15, 22, 23	e	Thomas L. Hartman
	Appendix 5-1	\$/MW figures (Table)	e	Thomas L. Hartman
	Appendix 5-2	Lines 15, 18	e	Thomas L. Hartman
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Purchase Agreement between US Ecogen Clay, LLC and FPL	iii	Appendix 6 Title	e	Thomas L. Hartman
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	6	Lines 5 - 6	e	Thomas L. Hartman
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	12	Line 7	e	Thomas L. Hartman
	13	Line 40	e	Thomas L. Hartman
	14	Line 16	e	Thomas L. Hartman
	15	Line 39	e	Thomas L. Hartman
	16	Lines 4, 10	e	Thomas L. Hartman
	17	Lines 4, 16-17	e	Thomas L. Hartman
	18	Lines 14, 16, 29	e	Thomas L. Hartman

	19	Line 34	e	Thomas L. Hartman
	20	Lines 24, 26, 27, 28, 42	e	Thomas L. Hartman
	24	Lines 25, 29- 30	e	Thomas L. Hartman
	26	Lines 3-4, 15- 16, 24, 35-36	e	Thomas L. Hartman
	27	Lines 25-26	e	Thomas L. Hartman
	30	Line 40	e	Thomas L. Hartman
	33	Line 8	e	Thomas L. Hartman
	35	Lines 5, 6-7, 10, 13-14	e	Thomas L. Hartman
	36	Lines 37 - 38	e	Thomas L. Hartman
	37	Lines 6-7, 9-10	e	Thomas L. Hartman
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