



Scott A. Goorland  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-5633 (Direct)  
(561) 691-7135 (Facsimile)  
E-mail: Scott.Goorland@fpl.com

November 20, 2014

RECEIVED-FPSC  
14 NOV 20 AM 11: 25  
COMMISSION  
CLERK

**VIA HAND DELIVERY**

Ms. Carlotta S. Stauffer  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: Docket No. 140001-EI, In re: Fuel and Purchased Power Clause with  
Generating Performance Incentive Factor**

Dear Ms. Stauffer:

Enclosed for filing in the above described docket are an original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Material Provided in FPL's Supplemental Response to Staff's Fourth Set of Interrogatories (No. 145). The original includes Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential material that FPL asserts is entitled to confidential treatment and 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 one affidavit in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C, in Microsoft Word format.

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

Sincerely,

Scott A. Goorland

Enclosure

cc: Counsel for Parties of Record (w/Request for Confidential Classification)

|     |        |
|-----|--------|
| COM | _____  |
| AFD | 2 + CD |
| APA | 1      |
| ECO | 1      |
| ENG | 1      |
| GCL | 1      |
| IDM | 1      |
| TEL | _____  |
| CLK | _____  |

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power Clause with  
Generating Performance Incentive Factor

Docket No: 140001-EI  
Date: November 20, 2014

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL PROVIDED  
IN FPL'S SUPPLEMENTAL RESPONSE TO STAFF'S  
FOURTH SET OF INTERROGATORIES (NO. 145)**

Pursuant to Section 366.093, Florida Statutes (2013), and Rule 25-22.006, Florida Administrative Code (2013), Florida Power & Light Company ("FPL") submits its Request for Confidential Classification of certain material provided in the supplemental response to Staff's Fourth Set of Interrogatories (No. 145). In support of its request, FPL states as follows:

1. On August 26, 2014, Staff served its Fourth Set of Interrogatories (Nos. 135 – 153) on FPL. On September 15, 2014, FPL served its Responses to Staff's Fourth Set of Interrogatories to Florida Power & Light Company (Nos. 135 - 153) ("Responses").

2. On November 5, 2014, FPL served a supplemental response to Staff's Fourth Set of Interrogatories, No. 145. FPL's supplemental response No. 145 contains information of a confidential nature, which is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. On November 5, 2014, FPL filed a Notice of Intent to Request Confidential Classification to its supplemental response to Staff's Fourth Set of Interrogatories (No. 145). Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in the discovery responses provided to Staff with the Notice of Intent.

3. The following exhibits are included with, and made part of this request:
  - a. Exhibit A consists of a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been highlighted.
  - b. Exhibit B consists of the confidential material, on which all information that FPL asserts is entitled to confidential treatment has been redacted.
  - c. Exhibit C is a table containing a column-by-column and line-by-line identification of the information for which confidential treatment is sought and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.
  - d. Exhibit D consists of the affidavit of Kim Ousdahl.

4. FPL submits that the highlighted information in Exhibit A is proprietary and confidential business information within the meaning of Section 366.093(3), 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 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.

5. As the affidavits included in Exhibit D indicate, the documents and materials included in Exhibits A and B, and identified in Exhibit C contain information which relates to competitive interests, the disclosure of which would impair the competitive business of FPL, its

affiliates or its vendors. Specifically, the documents contain information regarding depletion calculations for gas reserves. Disclosure of this information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available. Such information is protected pursuant to Section 366.093(3)(e), F.S.

6. Upon a finding by the Commission that the information highlighted 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 it 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 affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 20<sup>th</sup> day of November, 2014.

R. Wade Litchfield, Vice President  
and General Counsel - FPL  
John T. Butler, Assistant General Counsel -  
Regulatory  
Scott A. Goorland, Principal Attorney  
Attorneys for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: (561) 304-5633  
Facsimile: (561) 691-7135

By:   
Scott A. Goorland  
Florida Bar No. 0066834

**CERTIFICATE OF SERVICE**  
**Docket No. 140001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished  
by hand delivery (\*\*) or electronic service on this 20th day of November, 2014 to the following:

Martha F. Barrera, Esq.\*\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
mbarrera@psc.state.fl.us

Jon C. Moyle, Esq.  
Moyle Law Firm, P.A.  
Attorneys for FIPUG  
118 N. Gadsden St.  
Tallahassee, Florida 32301  
jmoyle@moylelaw.com

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

John T. Burnett, Esq.  
Dianne M. Triplett, Esq.  
Attorneys for DEF  
299 First Avenue North  
St. Petersburg, Florida 33701  
john.burnett@duke-energy.com  
dianne.triplett@duke-energy.com

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

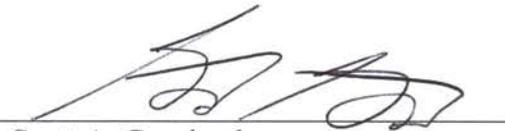
Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Steven R. Griffin, Esq.  
Beggs & Lane  
Attorneys for Gulf Power  
P.O. Box 12950  
Pensacola, Florida 32591-2950  
jas@beggslane.com  
rab@beggslane.com  
srg@beggslane.com

Robert Scheffel Wright, Esq.  
John T. LaVia, III, Esq.  
Gardner, Bist, Wiener, et al  
Attorneys for Florida Retail Federation  
1300 Thomaswood Drive  
Tallahassee, Florida 32308  
schef@gbwlegal.com  
jlavia@gbwlegal.com

J. R. Kelly, Esq.  
Patricia Christensen, Esq.  
Charles Rehwinkel, Esq.  
Erik L. Sayler, 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  
sayler.erik@leg.state.fl.us

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

By: \_\_\_\_\_



Scott A. Goorland  
Florida Bar No. 0066834

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

# EXHIBIT B

# REDACTED COPIES

COM \_\_\_\_\_  
AFD 1 \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

**Staff's Fourth Set  
of Interrogatories No. 145  
Supplemental  
Attachment I pages 1 through 4  
ARE CONFIDENTIAL IN  
THEIR ENTIRETY**

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY: Florida Power & Light Company**

**TITLE: List of Confidential Documents**

**DOCKET TITLE: Fuel and Purchase Power cost Recovery Clause and Generating Performance Incentive Factor**

**DOCKET NO.: 140001-EI**

| <b>Description</b>  | <b>Page Number</b> | <b>Conf. Y/N</b> | <b>Line/Column</b> | <b>366.093(3) F.S.</b> | <b>Affiant</b> |
|---|--------------------|------------------|--------------------|------------------------|----------------|
| Staff's Fourth Set of Interrogatories No. 145 Supplemental Attachment 1 | 1 - 4              | Y                | All                | (e)                    | Kim Ousdahl    |

**EXHIBIT D**

**AFFIDAVIT**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power Clause with  
Generating Performance Incentive Factor

Docket No: 140001-EI

STATE OF FLORIDA                    )  
COUNTY OF PALM BEACH         )

**AFFIDAVIT OF KIM OUSDAHL**

**BEFORE ME**, the undersigned authority, personally appeared Kim Ousdahl who, being first duly sworn deposes and says:

1. My name is Kim Ousdahl. I am currently employed by Florida Power & Light Company ("FPL") as Vice President, Controller and Chief Accounting Officer. My business address is 700 Universe Boulevard, Juno Beach, Florida 33408. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in Florida Power & Light Company's ("FPL") Request for Confidential Classification concerning information provided with its Petition for Prudence Determination Regarding Acquisition of Gas Reserves for which I am identified on Exhibit C as the co-affiant. The documents and materials that I have reviewed (Staff 4<sup>th</sup> Set of Interrogatories No.145, Supplemental) contain proprietary confidential business information, including information relating to competitive interests, the disclosure of which would impair the competitive business of FPL, its affiliates or its vendors. Specifically, the documents contain information regarding depletion calculations for gas reserves. The disclosure of this information 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 these documents and materials.

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.

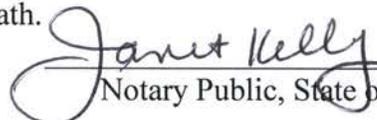
4. Affiant says nothing further.



\_\_\_\_\_  
Kim Ousdahl

**SWORN TO AND SUBSCRIBED** before me this 18<sup>th</sup> day of November, 2014, by Kim Ousdahl, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

My Commission Expires 11-24-2017



\_\_\_\_\_  
Notary Public, State of Florida

