



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

**REDACTED**

June 1, 2015

**VIA HAND DELIVERY**

Ms. Carlotta S. Stauffer  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
15 JUN - 1 PM 3:30  
COMMISSION  
CLERK

**Re: Docket No. 150075-EI**

Dear Ms. Stauffer:

I enclose for filing in the above docket an original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Responses to Office of Public Counsel's Fifth Set of Interrogatories. The original includes Exhibits A, B (two copies), Exhibit C and Exhibit D. The seven copies do not include copies of the Exhibits.

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 two affidavits 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,

Maria J. Moncada

Enclosure

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

COM \_\_\_\_\_  
AFD 2  
APA \_\_\_\_\_  
ECO 2  
ENG 2 + CD + redacted  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

Date: June 1, 2015

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
CERTAIN RESPONSES TO OFFICE OF PUBLIC COUNSEL'S  
FIFTH SET OF INTERROGATORIES (Nos. 49 and 51)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of a its responses to Office of Public Counsel's ("OPC") Fifth Set of Interrogatories (Nos. 49 and 51). In support of its request, FPL states:

1. On June 1, 2015, FPL filed its responses to OPC's Fifth Set of Interrogatories (Nos. 49-52). FPL's responses to OPC's Fifth Set of Interrogatories (Nos. 49 and 51) contain information of a confidential nature, which is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (hereinafter referred to as (the "Confidential Discovery Responses").

2. FPL files this request contemporaneously with the service of its responses to OPC's Fifth Set of Interrogatories, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. 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 is 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 is redacted.

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 contains the affidavit of Thomas L. Hartman.

4. 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.

5. As the affidavit included in Exhibit D indicates, some of the Confidential Discovery Responses provided by FPL contains information related to contractual data, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

6. Other Confidential Discovery Responses also consist of competitive interests, the disclosure of which would impair the competitive business of FPL or its suppliers. This information is protected by Section 366.093(3)(e), Fla. Stat.

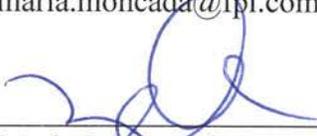
7. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the 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,

John T. Butler  
Assistant General Counsel - Regulatory  
Maria J. Moncada  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5795  
Facsimile: (561) 691-7135  
Email: maria.moncada@fpl.com

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

  
Maria J. Moncada  
Florida Bar No. 0773301

**CERTIFICATE OF SERVICE**  
**Docket No. 150075-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 1<sup>st</sup> day of June, 2015 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  
*Office of the General Counsel*

J.R. Kelly, Public Counsel  
John J. Truitt, Associate Public Counsel  
Office of Public Counsel  
The Florida Legislature  
111 West Madison Street, Room 812 Tallahassee,  
Florida 32399  
kelly.jr@leg.state.fl.us  
truitt.john@leg.state.fl.us  
*Attorney for the Citizens of the State of Fla.*

Jon C. Moyle, Jr., Esq.  
Karen A. Putnal, Esq.  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
jmoyle@moylelaw.com  
kputnal@molelaw.com  
*Attorney for Fla. Industrial Power Users  
Group*

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

  
\_\_\_\_\_  
Maria J. Moneada  
Florida Bar No. 0773301

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

**EXHIBIT B**

**REDACTED COPIES**

**Attachment I to FPL's answer to OPC's Fifth Set of Interrogatories No. 49 is confidential in its entirety**

**Attachment I to FPL's answer to OPC's Fifth Set of Interrogatories No. 51 is confidential in its entirety**

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company

**DOCKET TITLE:** In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

**DOCKET NO:** 150075-EI

**SUBJECT:** FPL's Confidential Responses to the OPC's Fifth Set of Interrogatories (Nos. 49 and 51)

**DATE:** June 1, 2015

<b>FPL's Responses to OPC's 5<sup>th</sup> Set of Interrogatories</b>	<b>Page No.</b>	<b>Description</b>	<b>Column No. / Line No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
No. 49, Attachment I	Page 1 of 1	An example calculation of the Monthly Capacity Factor and Monthly On-Peak Capacity Factor	ALL	(d), (e)	T. Hartman
No. 51, Attachment I	Pages 1 through 11	Cedar Bay operating and maintenance costs	ALL	(d), (e)	T. Hartman

**EXHIBIT D**

**AFFIDAVIT**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

Docket No: 150075-EI

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH )

**AFFIDAVIT OF THOMAS L. HARTMAN**

**BEFORE ME**, the undersigned authority, personally appeared Thomas L. Hartman who, being first duly sworn, deposes and says:

1. My name is Thomas L. Hartman. I am currently employed by Florida Power & Light Company ("FPL") as Director, Business Development in Energy Marketing and Trading. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data such as pricing formulas and other terms, payment records, supplier operations, and vendor and supplier rates for capacity and energy transactions, the disclosure of which would impair the efforts of FPL to contract for capacity and energy on favorable terms for the benefit of its customers, and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL and Cedar Bay Generating Company Limited Partnership at a disadvantage when coupled with other information that is publicly available.

3. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

4. 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.

5. Affiant says nothing further.

Thomas L. Hartman

**SWORN TO AND SUBSCRIBED** before me this 28 day of May 2015, by Thomas L. Hartman, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

  
Notary Public, State of Florida

My Commission Expires:

