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September 21, 2015

VIA HAND DELIVERY

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

REDACTED

RECEIVED - FPSC
15 SEP 21 PM 1:15
COMMISSION
CLERK

Re: Docket No. 150001-EI

Dear Ms. Stauffer:

Enclosed for filing on behalf of Florida Power & Light Company is FPL's Request for Confidential Classification of Certain Information contained in Schedule E12 of Appendix V to the prepared supplemental testimony of FPL witness Terry J. Keith in support of FPL's Supplemental Petition for Approval of Fuel Cost Recovery and Capacity Cost Recovery Factors for January through December 2016. This filing includes Exhibits A through D.

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 is a justification table in support of Request for Confidential Classification. Exhibit D is the Affidavit of Gerard J. Yupp in support of FPL's Request for Confidential Classification. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

Please contact me should you or your Staff have any questions regarding this filing.

COM
AFD Redacted

- APA _____
- ECO _____
- ENG _____
- GCL _____ Enclosures
- IDM _____ cc: parties of record, (Request for Confidential Classification w/o exhibits)
- TEL _____
- CLK _____

Sincerely,

Maria J. Moncada

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 150001-EI

Date: September 21, 2015

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

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 contained in Schedule E12 of Appendix V to the prepared Supplemental Testimony of FPL witness Terry J. Keith filed on this date (the "Confidential Information"). In support of its Request, FPL states as follows:

1. On September 18, 2015, FPL submitted the prepared supplemental testimony of FPL witness Terry J. Keith in this docket in support of FPL's Supplemental Petition for Approval of Fuel Cost Recovery and Capacity Cost Recovery Factors for January through December 2016. Schedule E12 of Appendix V to the supplemental testimony contains information regarding FPL's capacity payments to specific non-cogenerator counterparties, which is of a confidential nature.¹ This Request seeks confidential classification of the Confidential Information consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of Schedule E12 to of Appendix V in which all of the confidential information is highlighted.

¹ On September 1, 2015 FPL filed its original Petition for Approval of Fuel Cost Recovery and Capacity Cost Recovery Factors for January through December 2015, along with Mr. Keith's original testimony and a corresponding Request for Confidential Classification for Schedule E12 of Appendix V [05471-15]. Because FPL filed a supplemental petition and supplemental testimony of Terry Keith with exhibits, FPL hereby renews its Request for Confidential Classification of Schedule E12. However, there are no substantive changes to Schedule E12.

b. Exhibit B consists of two copies of Schedule E12 to Appendix V in which all of the Confidential Information is redacted.

c. Exhibit C is a table that identifies by page, line or column the Confidential Information, together with a brief description of the documents designated confidential. Exhibit C also sets forth references to the specific statutory bases for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D is the affidavit 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 (“Section 366.093(3)”). 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. 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 Section 366.093(3)(d). This information also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity. The disclosure

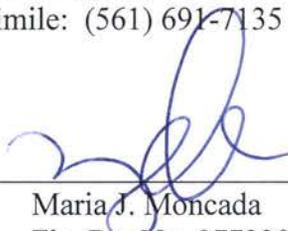
of this information would impair their competitive businesses. Such information is protected by Section 366.093(3)(e).

5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information should not be declassified for 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. § 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,
R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
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

By: _____


Maria J. Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE

Docket No. 150001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing(*) has been furnished by electronic mail on this 18th day of September 2014 to the following:

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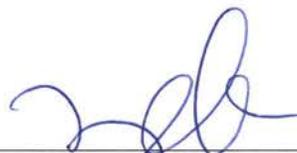
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By: _____



Maria J. Moncada
Fla. 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 B

**Redacted
2 Copies**

REDACTED

REVISED FILING 9/21/15

| | A | B | C | D | E | F | G | H | I | J | K | L | M |
|----|---|------------------------------|---------------|---------------|---------------|---------------|---------------|-----------------------|----------------------------|--------------------------|---------------|---------------|---------------|
| 1 | Florida Power & Light Company | | | | | | | | | | | | |
| 2 | Schedule E12 - Capacity Costs | | | | | | | | | | | | |
| 3 | Page 2 of 2 | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | |
| 7 | 2016 Projection | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | |
| 10 | <u>Contract</u> | <u>Counterparty</u> | | | | | | <u>Identification</u> | <u>Contract Start Date</u> | <u>Contract End Date</u> | | | |
| 11 | 1 | JEA - SJRPP | | | | | | Other Entity | April 2, 1982 | September 30, 2021 | | | |
| 12 | 2 | Solid Waste Authority (40MW) | | | | | | Other Entity | January 1, 2012 | April 1, 1932 | | | |
| 13 | 3 | Solid Waste Authority (70MW) | | | | | | Other Entity | July 16, 2016 | May 31, 2034 | | | |
| 14 | | | | | | | | | | | | | |
| 15 | 2016 Capacity in MW | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | |
| 17 | <u>Contract</u> | <u>Jan-16</u> | <u>Feb-16</u> | <u>Mar-16</u> | <u>Apr-16</u> | <u>May-16</u> | <u>Jun-16</u> | <u>Jul-16</u> | <u>Aug-16</u> | <u>Sep-16</u> | <u>Oct-16</u> | <u>Nov-16</u> | <u>Dec-16</u> |
| 18 | 1 | 375 | 375 | 375 | 375 | 375 | 375 | 375 | 375 | 375 | 375 | 375 | 375 |
| 19 | 2 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 |
| 20 | 3 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 | 70 |
| 21 | Total | 485 | 485 | 485 | 485 | 485 | 485 | 485 | 485 | 485 | 485 | 485 | 485 |
| 22 | | | | | | | | | | | | | |
| 23 | 2016 Capacity in Dollars | | | | | | | | | | | | |
| 24 | | | | | | | | | | | | | |
| 25 | <u>Contract</u> | <u>Jan-16</u> | <u>Feb-16</u> | <u>Mar-16</u> | <u>Apr-16</u> | <u>May-16</u> | <u>Jun-16</u> | <u>Jul-16</u> | <u>Aug-16</u> | <u>Sep-16</u> | <u>Oct-16</u> | <u>Nov-16</u> | <u>Dec-16</u> |
| 26 | 1 | | | | | | | | | | | | |
| 27 | 2 | | | | | | | | | | | | |
| 28 | 3 | | | | | | | | | | | | |
| 29 | Total | 6,462,405 | 6,462,405 | 6,462,405 | 6,462,405 | 6,462,405 | 6,500,805 | 6,500,805 | 6,500,805 | 6,500,805 | 6,325,451 | 6,325,451 | 6,325,451 |
| 30 | | | | | | | | | | | | | |
| 31 | Total Capacity Payments to Non-Cogenerators for 2016 ⁽¹⁾ | | | | | | 77,291,599 | | | | | | |
| 32 | | | | | | | | | | | | | |
| 33 | (1) | Appendix V, page 2, line 1 | | | | | | | | | | | |

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Confidential Exhibits
DOCKET NO.: 150001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause
DATE: September 21, 2015

| Description | Page Nos. | Line No./ Col. No. | Florida Statute 366.093(3) Subsection | Affiant |
|--|-------------|---------------------------|--|------------|
| Exhibit TJK-9, Appendix V, Schedule E12: FPL Capacity Payments to Non-Cogenerators (2016 Projected) | Page 2 of 2 | Cols. B-M, Lines 26-28 | (d), (e) | G. J. Yupp |

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost
Recovery Clause with Generating
Performance Incentive Factor

Docket No. 150001-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GERARD J. YUPP

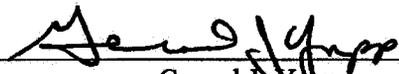
BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. 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 of Capacity Payments to Non-Cogenerators Identified in Schedule E12. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information comprise information concerning contractual data 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 detriment of FPL and its customers. The information contained in Schedule E12 also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

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.


Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 21 day of September 2015, by Gerard J. Yupp, 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:

