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September 1, 2016

**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

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COMMISSION  
CLERK

**Re: Docket No. 160001-EI**

Dear Ms. Stauffer:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Information Provided in Response to Office of Public Counsel's Fourth Set of Interrogatories (No. 81). The request includes Exhibits A, B (two copies), C and D.

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 the declaration in support of FPL's request.

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

Sincerely,

Maria J. Moncada

**REDACTED**

Enclosure

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

COM \_\_\_\_\_  
AFD 1  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No: 160001-EI

Date: September 1, 2016

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF INFORMATION PROVIDED IN RESPONSE TO OFFICE OF  
PUBLIC COUNSEL'S FOURTH SET OF INTERROGATORIES (No. 81)**

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 Office of Public Counsel's ("OPC") Fourth Set of Interrogatories (No. 81) ("Confidential Discovery Response"). In support of its Request, FPL states as follows:

1. On August 12, 2016, OPC served its Fourth Set of Interrogatories (Nos. 74-82) on FPL. FPL's Response to OPC's Fourth Set of Interrogatories (No. 81) contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its response to OPC's Fourth Set of Interrogatories (Nos. 74-82) on September 1, 2016. This request is being filed in order to request confidential classification of the Confidential Discovery Response 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 Response 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 Response 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 declarant in support of the requested confidential classification.

d. Exhibit D is the declaration of Gerard J. Yupp in support of this Request.

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 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 described more fully in the declaration included as Exhibit D, the Confidential Discovery Response provided by FPL contains information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

6. Additionally, certain information relates to the competitive interests of FPL and its vendors, the disclosure of which would impair their competitive interests. 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  
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By: \_\_\_\_\_

  
Maria J. Moncada  
Florida Bar No. 0773301

**CERTIFICATE OF SERVICE**  
**Docket No. 160001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing(\*) has been furnished by electronic mail on this 1st day of September 2016 to the following:

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



Maria J. Moncada  
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.

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# **EXHIBIT A**

**CONFIDENTIAL DOCUMENTS  
FILED UNDER SEPARATE COVER**

# **EXHIBIT B**

**REDACTED COPIES**



**Florida Power & Light Company  
Docket No. 160001-EI  
OPC's 4th Set of Interrogatories  
Interrogatory No. 81  
Page 1 of 1**

**Q.**

**How much were the shipping charges for the volumes of Woodford natural gas shipped to FPL's power plants (e.g., daily and cumulative shipping charges)?**

**A.**

1 The transportation charges from the outlet of the gathering system to the Southeast Supply Header ("SESH") pipeline for the Woodford natural gas totaled [REDACTED]<sup>A</sup> for the March 2015 through June 2016 period. FPL also incurred variable transportation charges on the SESH and Gulfstream pipelines for final delivery to FPL's plants as it would have if it had procured natural gas from the market in Perryville.

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET TITLE:** Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor  
**DOCKET NO:** 160001-EI  
**SUBJECT:** FPL's Responses to OPC's 4th Set of Interrogatories No. 81  
**DATE:** September 1, 2016

*No. of*

OPC's 4th Set of Interrog. (No.)	Page Nos.	Description	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Declarant
81	1	Woodford natural gas transportation charges	Line 1A	(d), (e)	G. Yupp

**EXHIBIT D**

**AFFIDAVITS**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No: 160001-EI

STATE OF FLORIDA                    )  
  )  
COUNTY OF PALM BEACH        )        DECLARATION OF **GERARD J. YUPP**

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 written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information consist of the details of FPL's fuel transportation contracts. Additionally, the confidential information relates to contractual data, the disclosure of which would impair the competitive business as well as the efforts of FPL to contract for goods and services on favorable terms, also to the detriment of FPL and its customers. 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. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true to the best of my knowledge and belief.

  
\_\_\_\_\_  
GERARD J. YUPP

Date: 8/31/16