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April 24, 2017

**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

**Re: Docket No. 170001-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 Staff's Second Set of Interrogatories (No. 8). The request includes Exhibits A, B (two copies) and C.

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 is the declaration in support of FPL's request.

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

Sincerely,

  
Joel Baker

COMMISSION  
CLERK

2017 APR 24 PM 3:42

RECEIVED-FPSC

Enclosure

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

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**REDACTED**

SOM	_____
AFD	_____
APA	_____
ECO	_____
ENG	_____
GCL	_____
IDM	_____
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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: 170001-EI

Date: April 24, 2017

**FLORIDA POWER & LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED IN RESPONSE TO THE STAFF OF THE FLORIDA PUBLIC  
SERVICE COMMISSION'S SECOND SET OF INTERROGATORIES (No. 8)**

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 the Staff of the Florida Public Service Commission's ("Staff") Second Set of Interrogatories (No. 8) ("Confidential Discovery Response"). In support of its Request, FPL states as follows:

1. On March 21, 2017, Staff served its Second Set of Interrogatories (Nos. 8-10) on FPL. FPL's Response to Staff's Second Set of Interrogatories (No. 8) contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to Staff's Second Set of Interrogatories (Nos. 8-10) on April 24, 2017. This request is being filed contemporaneously with the service of the responses to Staff's discovery 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 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 a page-and-line identification of the information highlighted in Exhibit A and a brief description of the Confidential Information. Exhibit C also references the specific statutory bases for the claim of confidentiality and identifies the declarant who supports the requested 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 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 harm of disclosure against the public interest in access to the information.

5. As the descriptions included in Exhibit C and the declaration included in Exhibit D indicate, 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, this 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 materials and declaration 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  
Senior Attorney  
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By: \_\_\_\_\_

  
Joel Baker  
Florida Bar No. 0108202

**CERTIFICATE OF SERVICE**

**Docket No. 170001-EI**

I **HEREBY CERTIFY** that a true and correct copy of FPL's Request for Confidential Classification\* has been furnished by electronic service this 24th day of April 2017 to the following:

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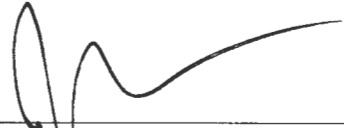
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By: \_\_\_\_\_

  
Joel Baker  
Florida Bar No. 0108202

\* The exhibits to this Request are not included with the service copies. Exhibit B was served with FPL's Response to Staff's Second Set of Interrogatories, No. 8. Copies of Exhibits C and D are available upon request.

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**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

# **EXHIBIT B**

## **REDACTED COPIES**



	A	B		C
	Monthly Schedule A2	Description (Month) of Charge	Percentage Charged as Railcar Lease on A2 (Cedar Bay)	Adjustments to Railcar Lease Costs
<b>JANUARY 2017</b>				
Cedar Bay	113,090	railcar monthly lease charge (February 2017)	100% was charged as Railcar Lease and 50% was reclassified below the line in February based on date of charge - reclass shown in only February YTD value	N/A
	20,250	railcar storage/switching charge (November 2016)	100% was charged as Railcar Lease based on date of charge	N/A
	45,606	railcar monthly lease charge - Closing Date True Up (September 2015)	100% was charged as Railcar Lease based on date of charge	N/A
	9,583	railcar maintenance charge (November 2016)	50% was charged as Railcar Lease (should be 100% based on date of charge)	9,583 (1)
1 Indiantown				N/A
2				N/A
3				N/A
4				N/A
	<u>419,297</u>	Total (A2) / Column 2		N/A
<b>FEBRUARY 2017</b>				
Cedar Bay	56,545	railcar monthly lease charge (March 2017)	50% was charged as Railcar Lease based on date of charge	N/A
	3,418	railcar use tax (March 2017)	50% was charged as Railcar Lease based on date of charge	N/A
	8,525	railcar storage/switching charge (December 2016)	50% was charged as Railcar Lease (should be 100% based on date of charge)	8,525 (1)
5 Indiantown				N/A
6				N/A
7				N/A
8				N/A
9				N/A
10				N/A
11		on site transportation repair	amount to be reclassified	
12		natural gas transportation demand charge	amount to be reclassified	
	<u>169,711</u>	Total (A2) / Column 2		
	(56,545)	CB railcar monthly lease charge (February 2017)	50% of railcar monthly lease charge from January was reclassified below the line based on the date of charge	N/A (1)
		CB railcar monthly lease charge (January 2017) recorded in December 2016	50% of railcar monthly lease charge from December 2016 to be reclassified below the line based on the date of charge	(56,545) (1)
	<u>532,463</u>	2017 YEAR TO DATE		

**Notes:**

(1) FPL intends to make these adjustments when it files its April A-Schedules on May 22, 2017.

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 170001-EI  
**DOCKET TITLE:** Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor  
**SUBJECT:** FPL's Responses to Staff's 2nd Set of Interrogatories No. 8  
**DATE:** April 24, 2017

<b>Staff's 2nd Interrog. (No. 8)</b>	<b>Pg Nos.</b>	<b>Description</b>	<b>Line No./ Col. No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Declarant</b>
Attachment 1	1 of 1	Cedar Bay and Indiantown railcar lease expenses	Col. A, Lns. 1-4, 5-12 Col. B, Lns. 1-4, 5-10 Col. C, Lns. 11-12	(d), (e)	G. Yupp

# **EXHIBIT D**

## **DECLARATION**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No: 170001-EI

**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 declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The information included in Exhibit A reflects proprietary confidential contractual data and relates to the competitive interests of FPL's suppliers. Public disclosure of this information would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the information includes the actual negotiated rail car lease terms, which FPL is contractually required to maintain as confidential. Additionally, disclosure of this information would impair the competitive interests of FPL and its vendors, and 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. 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: 4/20/2017