



John T. Butler  
 Managing Attorney  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408-0420  
 (561) 304-5639  
 (561) 691-7135 (Facsimile)

June 18, 2010

**VIA HAND DELIVERY**

Ms. Ann Cole, Director  
 Division of the Commission Clerk and  
 Administrative Services  
 Florida Public Service Commission  
 Betty Easley Conference Center, Room 110  
 2540 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
 10 JUN 18 PM 1:45  
 COMMISSION  
 CLERK

**Re: Florida Power & Light Company's Request for Confidential Classification of Certain Material Provided in Connection with Schedule A12 - Capacity Costs Docket No. 100001-EI**

Dear Ms. Cole:

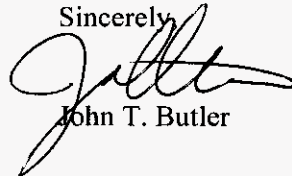
I am enclosing for filing in the above-referenced matter, an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A - CONFIDENTIAL". Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please feel free to contact me should you or your Staff have any questions regarding this filing.

Sincerely,



John T. Butler

COM \_\_\_\_\_  
 APA \_\_\_\_\_  
 ECR 5 JTB/jsb  
 Enclosures  
 GCL 1+cc: Service List (w/out attachments)  
 RAD \_\_\_\_\_  
 SSC \_\_\_\_\_  
 ADM \_\_\_\_\_  
 OPC \_\_\_\_\_  
 CLK 1

an FPL Group company

DOCUMENT NUMBER DATE

05106 JUN 18 2010

FPSC-0019-100100-001

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

DOCKET NO. 100001-EI

FILED: June 18, 2010

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission ("FPSC" or "Commission") Schedule A12, Capacity Costs for the month of May 2010 submitted in Docket No. 100001-EI. In support of its Request, FPL states as follows:

1. Petitioner's principal business address is as follows:

Florida Power & Light Company  
P.O. Box 029100  
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

R. Wade Litchfield  
Vice President and General Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7101  
(561) 691-7135 Fax

John T. Butler  
Managing Attorney  
Regulatory Affairs  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 Fax

DOCUMENT # 100001-EI  
5106 JUN 18 2010  
FPSC-COMM-REG-REG-CLERK

2. The following attachments are included herewith and made a part hereof:
  - a. Attachment A includes the complete and unedited version of FPL's Schedule A12, Capacity Costs, which contains certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "**CONFIDENTIAL.**"
  - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been blocked out in Attachment B.
  - c. Attachment C identifies information for which confidential treatment is sought and, with regard to the type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.

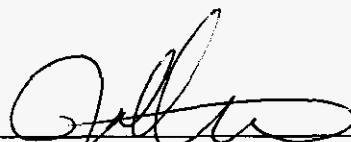
3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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.

4. The statutory bases and support for FPL's assertion of confidentiality with regard to the types of information is set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for eighteen (18) months, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,



---

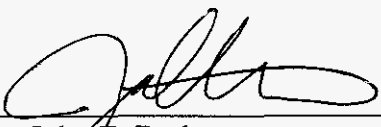
JOHN T. BUTLER  
Managing Attorney  
Florida Bar No. 283479  
Attorney for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel.: (561) 304-5639  
Fax: (561) 691-7135

## CERTIFICATE OF SERVICE

**I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a copy of Florida Power & Light Company's Request for Confidential Classification, without Attachment A, has been served via first class mail, postage prepaid to the parties listed below, this 18th day of June, 2010:

<p>Lisa Bennett, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <a href="mailto:LBENNETT@PSC.STATE.FL.US">LBENNETT@PSC.STATE.FL.US</a></p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 <a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a> <a href="mailto:Christensen.patty@leg.state.fl.us">Christensen.patty@leg.state.fl.us</a> <a href="mailto:beck.charles@leg.state.fl.us">beck.charles@leg.state.fl.us</a></p>
<p>James D. Beasley, Esq Ausley &amp; McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a> <a href="mailto:lwillis@ausley.com">lwillis@ausley.com</a></p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 <a href="mailto:john.burnett@pgnmail.com">john.burnett@pgnmail.com</a></p>
<p>John W. McWhirter, Jr., Esq McWhirter &amp; Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 <a href="mailto:jmcwhirter@mac-law.com">jmcwhirter@mac-law.com</a></p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 <a href="mailto:Beth.keating@akerman.com">Beth.keating@akerman.com</a></p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs &amp; Lane Attorneys for Gulf Power P.O. Box 12950 Pensacola, Florida 32576-2950 <a href="mailto:jas@beggslane.com">jas@beggslane.com</a> <a href="mailto:rab@beggslane.com">rab@beggslane.com</a></p>	<p>James W. Brew, Esq Attorney for White Springs Brickfield, Burchette, Ritts &amp; Stone, The P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 <a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a></p>

<p>Robert Scheffel Wright, Esq  Jay T. LaVia, III, Esq  Young van Assenderp, P.A  Attorneys for Florida Retail Federation  225 South Adams Street, Suite 200  Tallahassee, FL 32301  <a href="mailto:swright@yvlaw.net">swright@yvlaw.net</a>  <a href="mailto:jlavia@yvlaw.net">jlavia@yvlaw.net</a></p>	<p>Jon C. Moyle and Vicki Kaufman  Keefe, Anchors Gordon &amp; Moyle, P.A.  118 N. Gadsden St.  Tallahassee, FL 32301  Co-Counsel for FIPUG  <a href="mailto:vkaufman@kagmlaw.com">vkaufman@kagmlaw.com</a>  <a href="mailto:jmoyle@kagmlaw.com">jmoyle@kagmlaw.com</a></p>
<p>Cecilia Bradley  Senior Assistant Attorney General  Office of the Attorney General  The Capitol - PL01  Tallahassee, FL 32399-1050  <a href="mailto:cecilia.bradley@myfloridalegal.com">cecilia.bradley@myfloridalegal.com</a></p>	<p>Michael Barrett  Division of Legal Services  Florida Public Service Commission  2540 Shumard Oak Blvd  Tallahassee, Florida 32399-0850  <a href="mailto:mbarrett@psc.state.fl.us">mbarrett@psc.state.fl.us</a></p>
<p>Captain Shayla L. McNeill  Attorney for the FEA  AFLOA/JACL-ULFSC  139 Barnes Drive, Suite 1  Tyndall AFB, FL 32403-5319  <a href="mailto:Shayla.mcneill@tyndall.af.mil">Shayla.mcneill@tyndall.af.mil</a></p>	

By:   
John T. Butler  
Fla. Bar No. 283479

**ATTACHMENT “A”**

**FPL’S SCHEDULE A12  
CAPACITY COSTS**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

# **ATTACHMENT “B”**

## **EDITED VERSION FPL’S SCHEDULE A12 CAPACITY COSTS**

DOCUMENT NO. 18018-DATE

5106 JUN 18 e

FPSC-COMMISSIONER CLERK



# EDITED COPY

Florida Power & Light Company  
 Schedule A12 - Capacity Costs  
 Page 2 of 2

For the Month of **May-10**

Contract	Counterparty	Identification	Contract Start Date	Contract End Date
1	Oleander Power Project L.P.	Other Entity	June 1, 2002	May 31, 2012
2				
3				
4				

6 **2010 Capacity in MW**

Contract	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	155	155	155	155	155	-	-	-	-	-	-	-
2	-	-	-	-	-	-	-	-	-	-	-	-
3	-	-	-	-	-	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-	-	-	-	-	-
Total	155	155	155	155	155	-	-	-	-	-	-	-

13 **2010 Capacity in Dollars**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Total												

16 **Year-to-date Short Term Capacity Payments**

2010 MAY 18 10:00 AM  
 3106 JUN 18 09  
 FPCO-0011 10:00 AM

**ATTACHMENT C**  
**Docket No. 100001-EI**

**Justification for Confidentiality for Florida Power & Light Company Schedule A12  
Capacity Costs of May 2010:**

The information contained in Attachment A, lines 15 and 16 concerns contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Section 366.093(3)(d), F.S. Specifically, the information relates to the pricing for a short-term capacity purchase the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Additionally, said information relates to competitive interests of FPL and of the supplier from whom FPL purchases capacity, the disclosure of which would impair FPL's and /or supplier's competitive businesses. Section 366.093(3)(e), F.S.

Note: Previously, FPL has contracted with multiple capacity suppliers and reported aggregate information on lines 15 and 16 that did not disclose the terms of any one capacity purchase. Presently, however, FPL is purchasing from only one capacity supplier, so the information on lines 15 and 16 ties directly to the terms of the purchase.

DOCUMENT NUMBER-DATE  
5106 JUN 18 2010  
FPSC-CLERKSHIP/CLERK

COMMISSIONERS:  
NANCY ARGENZIANO, CHAIRMAN  
LISA POLAK EDGAR  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

## Public Service Commission

### ACKNOWLEDGEMENT

DATE: June 18, 2010

TO: John T. Butler, Esquire

FROM: Marguerite H. Mclean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

---

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 100001-EI or, if filed in an undocketed matter, concerning certain information on Commission's Schedule A12, capacity costs for month 5/10, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850  
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)