



John T. Butler  
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October 16, 2007

**VIA HAND DELIVERY**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
07 OCT 16 PM 12:02  
COMMISSION  
CLERK

070650-EI

**Re: Docket No. 07 \_\_\_-EI  
Florida Power & Light Company's Petition to Determine Need for  
Turkey Point Nuclear Units 6 and 7 Electrical Power Plant**

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification (Exhibit SDS-3) together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential document that are the subject of this request.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

John T. Butler

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1 + Diskette
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_ Enclosures
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH 1 conf records

DOCUMENT NUMBER-DATE

09468 OCT 16 08

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's )  
Petition to Determine Need for Turkey )  
Point Nuclear Units 6 and 7 )  
Electrical Power Plant )

070650-EI

Docket No. 07\_\_\_\_-EI

Dated: October 16, 2007

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION (EXHIBIT SDS-3)**

Pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of Exhibit SDS-3 to the prepared testimony of Steven D. Scroggs ("Exhibit SDS-3"), which is being filed in connection with FPL's Petition to Determine Need for Turkey Point Nuclear Units 6 and 7 Electrical Power Plant (the "Turkey Point 6 & 7 Petition"). In support of its request, FPL states:

1. Exhibit SDS-3 comprises a side-by-side comparison of various technical features, as well as cost and performance data, for the alternative designs FPL is considering for the new nuclear units that are the subject of the Turkey Point 6 & 7 Petition. This comparative information was taken from responses to information requests that FPL made to the vendors for the alternative designs. Because of the obvious competitive sensitivities, the vendors consider this information to be highly proprietary and confidential, and they agreed to provide it to FPL only pursuant to non-disclosure agreements that require FPL to protect all of the vendor information from public disclosure.

2. The vendor information in Exhibit SDS-3 is proprietary confidential business information within the meaning of section 366.093 and Rule 25-22.006.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Specifically, the vendor information constitutes “information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms” (section 366.093(3)(d)) and “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information” (section 366.093(3)(e)). Disclosure of this information would impair the competitive interests of the vendors and jeopardize their ability to negotiate contract terms. Disclosure of this information also would substantially impair FPL’s prospective ability to solicit bids, to the detriment of FPL and its customers.

3. The following exhibits are included with and made a part of this request:

a. Exhibit A is a highlighted copy of Exhibit SDS-3. Because Exhibit SDS-3 consists entirely of side-by-side comparisons of the confidential vendor information, it is infeasible to separate out portions of Exhibit SDS-3 that are non-confidential. Accordingly, all of the text of Exhibit SDS-3 is highlighted on Exhibit A. Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Exhibit B consists of a page identifying the title of Exhibit SDS-3 and noting that the contents are confidential. Because FPL seeks confidential classification of the entire text of Exhibit SDS-3, no purpose would be served by reproducing a full redacted version of that exhibit.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with a reference to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Steven D. Scroggs, who is the Senior Director of Project Development for FPL.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such information is entitled to confidential treatment and it is exempt from the disclosure provisions of the public records law.


5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of 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. *See* § 366.093(4).

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included with this request, Florida Power & Light Company respectfully requests confidential treatment of Exhibit SDS-3.

Respectfully submitted this 16<sup>th</sup> day of October, 2007.

John T. Butler  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

  
John T. Butler  
Fla. Bar No. 283479

**Exhibit B**  
**REDACTED VERSION OF CONFIDENTIAL DOCUMENT**

**COMPANY: Florida Power & Light Company**  
**DOCKET 07\_\_\_\_-EI:**  
**In re: Florida Power & Light Company's**  
**Petition to Determine Need for Turkey**  
**Point Nuclear Units 6 and 7**  
**Electrical Power Plant**

Docket No. 07\_\_\_\_-EI  
FPL Technology Review  
Exhibit SDS-3, Page 1 of 1

**Engineering Evaluation of Current Technology Options**  
**for New Nuclear Power Generation**

(Proprietary and Confidential Business Information)

**EXHIBIT C  
JUSTIFICATION TABLE**

**COMPANY: Florida Power & Light Company  
DOCKET No.: 07 \_\_\_\_-El:  
In re: Florida Power & Light Company's  
Petition to Determine Need for Turkey  
Point Nuclear Units 6 and 7  
Electrical Power Plant**

Document	Page No. / Line No.	Description	Florida Statute 366.093(3) Subsection	Affiant
Exhibit SDS-3	All	Confidential vendor information	(d) and (e)	S. Scroggs

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's )
Petition to Determine Need for Turkey ) Docket No. 07\_\_\_\_-EI
Point Nuclear Units 6 and 7 )
Electrical Power Plant )

STATE OF FLORIDA )
)
COUNTY OF PALM BEACH )

AFFIDAVIT OF STEVEN D. SCROGGS

BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the information included in Exhibit A to FPL's Request for Confidential Classification (Exhibit SDS-3). The information in Exhibit A which is asserted by FPL to be proprietary confidential business information consists of vendor information on various technical features, as well as cost and performance data, for the alternative designs FPL is considering for the new nuclear units that are the subject of the Turkey Point 6 & 7 Petition. The vendors agreed to provide this information to FPL only pursuant to non-disclosure agreements that require FPL to protect all of the vendor information from public disclosure. Disclosure of this information would impair the competitive interests of the vendors and jeopardize their ability to negotiate contract terms. Disclosure of this information also would substantially impair FPL's prospective ability to contract on favorable terms, to the detriment of FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of this vendor information.

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

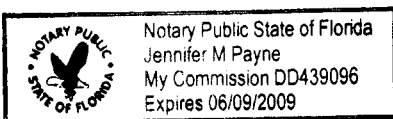
4. Affiant says nothing further.

Signature of Steven D. Scroggs
Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 15th day of October 2007, by Steven D. Scroggs, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

Signature of Jennifer M. Payne
Notary Public, State of Florida

My Commission Expires:



STATE OF FLORIDA

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
MATTHEW M. CARTER II  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



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

**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: October 16, 2007

TO: J. Butler\Florida Power & Light

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070650-EI or, if filed in an undocketed matter, concerning Exhibit SDS-3, and filed on behalf of Fpl. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE  
09469 OCT 16 2007  
FPSC - COMMISSION CLERK

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