

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition to Determine Need for FPL
EnergySecure Pipeline

DOCKET NO. 090172-EI
FILED: April 7, 2009

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FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida Power & Light Company ("FPL"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification of certain information provided in exhibits to the pre-filed direct testimony of FPL witnesses Heather Stubblefield, Robert Sharra and Tim Sexton in this proceeding. In support of this Request, FPL states:

1. Contemporaneously with this Request, FPL is filing a petition for determination of need for the Florida EnergySecure Pipeline, along with the pre-filed testimony and exhibits of several witnesses. As explained below, certain exhibits to the testimony of FPL witnesses Stubblefield, Sharra and Sexton include information that is "proprietary business information" under Section 366.093(3), F.S.

2. The following exhibits are included with this request:

(a) Exhibit A is a table which identifies the information for which FPL seeks confidential classification and the specific statutory bases for seeking confidential treatment;

(b) Exhibit B is a package containing two copies of a redacted version of the _____ documents for which FPL requests confidential classification. The specific information for _____ which confidential treatment is requested has been blocked out by opaque marker or other _____ means;

COM _____
ECR _____
GCL _____
OPC _____
RCF _____
SSC _____
SGA _____
ADM _____
CLK _____

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(c) Exhibit C is a package containing an unredacted copy of the documents for which FPL seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow; and

(d) Exhibit D is an affidavit of Heather C. Stubblefield.

3. The documents for which FPL seeks confidential classification include information submitted on a confidential basis by respondents to FPL's solicitation for natural gas transportation alternatives. Specifically, Exhibit HCS-2 to the testimony of FPL witness Stubblefield includes information related to natural gas transportation rates and other terms included in proposals submitted by two of the respondents to FPL's solicitation. Exhibit HCS-3 to Ms. Stubblefield's testimony is a Letter of Intent executed between FPL and one of the respondents to negotiate a precedent agreement based upon the respondent's proposal, which identifies the respondent by name. Exhibit RGS-3 to Mr. Sharra's testimony provides a detailed description of the respondent with which FPL executed the Letter of Intent, including the identity of the respondent and other information that could be used to ascertain the respondent's identity. Exhibit RGS-4 is a report which contains references to the identity of that respondent. Exhibits TCS-6 and TCS-7 to Mr. Sexton's testimony contain information concerning proposals received in response to FPL's solicitation, including information related to proposed transportation rates and other terms, as well as information that could be used to ascertain the identity of one or more of the respondents.

4. All of the information described above and identified on Exhibit "A" qualifies for confidential classification under Section 366.093(3), Florida Statutes. The purpose of FPL's solicitation was to obtain potentially favorable contract terms for natural gas transportation alternatives. Without assurances that their identities and the terms of their proposals would not

be publicly disclosed, potential respondents would run the risk that sensitive business information in their proposals would be made available to the public, including potential competitors. As a result, potential respondents might withhold sensitive information necessary for FPL to understand and evaluate the costs and benefits of their proposals. Further, without assurances of non-disclosure, potential respondents might choose not to participate in the solicitation. In either case, FPL's efforts to contract for goods and services on favorable terms would be impaired. Furthermore, disclosure of sensitive information provided in response to FPL's solicitation would impair the competitive interests of the provider of the information. Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes. *See* Order No.PSC-05-1141-CFO-EI issued in Docket No. 031333-EI on November 11, 2005 (granting confidential classification of the identities of bidders who responded to request for proposals for waterborne transportation services).

5. The information for which FPL seeks confidential treatment is intended to be and is treated as confidential by FPL. The information has not been disclosed to the public.

6. FPL requests that the information identified above be classified as "proprietary confidential business information" within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 7th day of April, 2009.

R. Wade Litchfield
Vice President, Regulatory Affairs
and Chief Regulatory Counsel
John T. Butler
Managing Attorney
Attorneys for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

and

HOPPING GREEN & SAMS, P.A.

By: 

Gary V. Perko
123 S. Calhoun Street (32301)
P.O. Box 6526 (32314)
Tallahassee, Florida
850-222-7500
Fax: 850-224-8551

EXHIBIT A
JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
Exhibit HGS-2 - Summary of Company B, Company E and FPL Florida EnergySecure Line Transportation Rates	1	A, B, C, D	1-2	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit HGS-3 – Letter of Intent with Company E	1	N/A	1-2	§ 366.093(3)(d) & (e), Fla. Stat.
	5	N/A	1-5	
Exhibit RGS-3 - “Company E” Fact Sheet	1	N/A	All	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit RGS-4 - Report entitled “The Economic & Tax Benefits of FPL’s Proposed Natural Gas Pipeline,” prepared by Fishkind & Associates, Inc.	10	N/A	1-2	§ 366.093(3)(d) & (e), Fla. Stat.
	12	N/A	1-2	
Exhibit TCS-6 - Approximate Cost of Service to Transport Natural Gas from Transco CS 85 to Company B Project	1	N/A	1-11	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit TCS-7 - Gas Cost Savings Analysis	2	1, 2, 4, 5, 7, 8, 10, 12	All	§ 366.093(3)(d) & (e), Fla. Stat.
	3	1, 2, 4, 5, 7, 8, 10, 12	All	
	4	1, 2, 4, 5, 7, 8, 10, 12	All	
	5	A-H	1-10	
	6-9	A-I	1-10	
	10	A-E	1-10	
	11	5, 6, 7, 14	All	
	13	A-E	1-7	
	14-18	A-F	1-7	
	19	A-E	1-7	
20	8,9,13,15, 16, 17, 18	All		

EXHIBIT D

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STATE OF FLORIDA)
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared Heather C. Stubblefield who, being first duly sworn deposes and says:

1. My name is Heather C. Stubblefield. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Project Development in the Energy Marketing and Trading Business Unit. I have personal knowledge of the matters stated in this affidavit.
2. I have reviewed the documents and information included in Exhibit C to FPL's Request for Confidential Classification. The documents and materials in Exhibit C which are asserted by FPL to be proprietary confidential business information are comprised of information concerning bids and contractual data, the disclosure of which would impair the efforts of FPL to contract for good and services on favorable terms. This information is also related to competitive interests, and its disclosure would impair the competitive business of the provider of the information.
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 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.

Affiant says nothing further.

Heather C. Stubblefield
Heather C. Stubblefield

SWORN TO AND SUBSCRIBED before me this 6th day of April, 2009, by Heather Stubblefield who is personally known to me or who has produced personally shown (type of identification) as identification and who had taken an oath.

My Commission Expires



Maritza Miranda-Wise

STATE OF FLORIDA

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



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 8, 2009

TO: Gary V. Perko

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 090172 or, if filed in an undocketed matter, concerning certain information provided in exhibits to prefiled direct testimony of witnesses Stubblefield, Robert Sharra, and Tim Sexton, 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 Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE
03086 APR-7 8
PSC-COMMISSION CLERK

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