



Jessica Cano
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May 1, 2009

VIA OVERNIGHT DELIVERY

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

RECEIVED-FPSC
 09 MAY - 1 PM 4:08
 COMMISSION
 CLERK

Re: Docket No. 090009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its Request for Confidential Classification regarding confidential information included in the pre-filed testimony and exhibits of FPL witnesses filed on May 1, 2009, in this proceeding. The original includes Exhibit A through D. The seven (7) copies do not include the exhibits.

Exhibit A consists of the confidential documents, and all 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 consists of FPL's justification for its Request for Confidential Classification. Exhibit D contains three affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

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

Sincerely,

Jessica Cano
 Jessica A. Cano

- COM _____
- ECR _____
- GCL 1+CD _____
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK 1 _____

Enclosures
 cc: Parties of Record (w/out enc.)

DOCUMENT NUMBER-DATE
 04143 MAY-1 09
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 090009-EI
Filed: May 1, 2009

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of portions of Exhibit SDS-1 to the pre-filed testimony of FPL witness Steven D. Scroggs, Exhibit RSK-1 to the pre-filed testimony of FPL witness Rajiv S. Kundalkar, and the pre-filed testimony of FPL witness John Reed, filed May 1, 2009. In support of this request, FPL states:

1. FPL is filing contemporaneously with this request the petition, testimony and exhibits in support of its Nuclear Power Plant Cost Recovery Amount for the period January – December 2010. Certain portions of Exhibits SDS-1, RSK-1, and the testimony of FPL witness John Reed contain confidential information. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification.

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

a. Exhibit A consists of a copy of the confidential pages on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of a copy of the confidential pages on which all information that FPL asserts is entitled to confidential treatment has been 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 affidavit in support of the requested classification.

DOCUMENT NUMBER-DATE

04143 MAY-18

FPSC-COMMISSION CLERK

d. Exhibit D includes the affidavits of Steven D. Scroggs, Rajiv S. Kundalkar, and Soria Talbot 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 it 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 the affidavits included in Exhibit D indicate, the information provided by FPL contains information related to bids and contractual terms, the public disclosure of which would violate nondisclosure terms of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected by section 366.093(3)(d), Florida Statutes. Certain other information is related to internal auditing controls and reports, which is protected by section 366.093(3)(b), Florida Statutes.

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), Fla. Stat.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included with or incorporated in this request, Florida Power & Light Company respectfully requests confidential classification of the material described herein.

Respectfully submitted,

Jessica A. Cano
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Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By: Jessica Cano
Jessica A. Cano
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 090009-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification, without exhibits, was served by hand delivery* or U.S. Mail this 1st day of May, 2009 to the following:

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By:



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NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: May 1, 2009

TO: Jessica A. Cano, Esquire/FPL

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 090009-EI [DN 04144-09] or, if filed in an undocketed matter, concerning portions of Exh SDS-1 to testimony of Steven D. Scroggs; Exh RSK-1 to testimony of Rajiv S. Kundalkar; and testimony of John Reed, 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 McLean, Deputy Clerk, at (850) 413-6770.