

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 090172-EI
FILED: August 12, 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 to Florida Gas Transmission Company, LLC (FGT) in response to FGT's First Set of Interrogatories Nos. 18, 20, and 21; and materials filed as exhibits in the depositions of FPL witnesses Rosemary Morley and Clinton Collins. In support of this Request, FPL states:

1. On July 23, 2009, FPL filed separate Notices of Intent to Request Confidential Classification related to: (1) information provided to FGT in response to FGT's First Set of Interrogatories Nos. 18, 20, and 21; and (2) material provided to the Staff of the Florida Public Service Commission (Staff) in response to Staff's request for copies of materials filed as exhibits in the depositions of FPL witnesses Morley and Collins.

2. Information provided to FGT in response to FGT's First Set of Interrogatories Nos. 18, 20, and 21 includes information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms. The

COM _____ response also includes information relating to competitive interests of the provider of the
ECR _____
GCL 1 information, the disclosure of which would impair the competitive business of the provider of the
OPC _____
RCP _____
SSC _____
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information. This information was provided to FGT pursuant to a confidentiality agreement between FPL and FGT.

3. The late-filed exhibits to the depositions of witnesses Collins and Morley also include information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms as well as information relating to the competitive interests of the provider of the information, the disclosure of which would impair the competitive business of the provider of the information. The late-filed exhibit to the deposition of FPL witnesses Morley includes information provided to FPL pursuant to a subscription agreement requiring FPL to maintain the confidentiality of the material.

4. 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 basis 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;

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 the affidavit of Heather C. Stubblefield.

5. FPL's Responses to FGT's First Set of Interrogatories Nos. 18, 20, and 21; and Late-Filed Exhibit MCC-1 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, the documents include information concerning proposals received in response to FPL's solicitation, including information related to proposed terms, as well as information that could be used to ascertain the identity of one or more of the respondents. This information (also 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, or might choose not to participate in solicitations with FPL. 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. 031033-EI on November 15, 2005 (granting confidential classification of the identities of bidders who responded to request for proposals for waterborne transportation services).

6. The information contained in Late-Filed Exhibit #1 to the Deposition of FPL witness Morley includes information provided to FPL by Global Insight pursuant to a

subscription agreement requiring FPL to maintain the confidentiality of the material. FPL is prohibited from disclosing the contents of this information pursuant to the terms of the agreement. As such, the late-filed exhibit to FPL's witness Morley's deposition is information concerning bids or other contractual data, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. Additionally, the information provided by FPL contains information related to competitive interests, the public disclosure of which would impair the competitive business of FPL. Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

7. All of 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.

8. FPL requests that the information identified above be classified as "proprietary confidential business information" within the meaning of section 366.093(3), Florida Statutes; that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), Florida Statutes; 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 12th day of August, 2009.

R. Wade Litchfield, Vice President and
Associate General Counsel
John T. Butler, Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
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and

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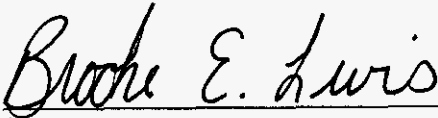
Attorneys for Florida Power & Light Company

CERTIFICATE OF SERVICE
Docket No. 090172-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States mail this 12th day of August, 2009, to the following:

Martha Carter Brown
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
MBrown@PSC.STATE.FL.US

Floyd R. Self
Messer Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308
fself@lawfla.com



Attorney

EXHIBIT A
JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
FPL's Response to FGT's First Set of Interrogatories No. 18	1	N/A	1, 2	§ 366.093(3)(d) & (e), Fla. Stat.
FPL's Response to FGT's First Set of Interrogatories No. 20	1	N/A	1	§ 366.093(3)(d) & (e), Fla. Stat.
FPL's Response to FGT's First Set of Interrogatories No. 21	1	N/A	1	§ 366.093(3)(d) & (e), Fla. Stat.
Late Filed Exhibit MCC-1	1	N/A	1	§ 366.093(3)(d) & (e), Fla. Stat.
Late-Filed Exhibit #1 to Morley Deposition	All	N/A	N/A	§ 366.093(3)(d) & (e), Fla. Stat.

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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 included in Exhibit C to FPL's Request for Confidential Classification. The documents and information which are included in Exhibit C and 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. The information included in FPL's Responses to Florida Gas Transmission Company, LLC's (FGT) First Set of Interrogatories, Nos. 18, 20, and 21 was provided to FGT pursuant to a confidentiality agreement between FPL and FGT. The information contained in Morley Deposition Late-Filed Exhibit No. 1 was provided to FPL pursuant to a subscription agreement to maintain the confidentiality of the material. To the best of my knowledge, FPL has maintained the confidentiality of the documents and materials contained in Exhibit C.

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 12th day of August, 2009, by Heather C. Stubblefield, who is personally known to me or who has produced personally known (type of identification) as identification and who had taken an oath.

My Commission Expires:



Maritza Miranda-Wise

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

STATE OF FLORIDA



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: August 12, 2009

TO: Brooke E. Lewis, Gary V. Perko/Hopping Law Firm

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 to FGT in response to FGT's 1st set of Interrogatories, Nos. 18, 20 and 21, 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.

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