



Ilan Kaufer
 Attorney for
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 304-5675
 (561) 691-7135 (Facsimile)

August 13, 2009

VIA HAND 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 AUG 13 PM 4:38
 COMMISSION
 CLERK

Re: Docket No. 090002-EG
 Energy Conservation Cost Recovery Docket

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Third Request for Extension of Confidential Classification of certain materials obtained in Audit No. 00-047-4-1.

Included herewith is Revised Exhibit D, which contains an affidavit in support of FPL's request. Also included is a compact disc containing FPL's Request for Confidential Classification (without the exhibit) in word processing format.

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

COM _____
 ECR 2
 GCL 1 + CD
 OPC _____
 RCP 3
 SSC _____
 SGA _____
 ADM _____
 CLK 1

Sincerely,

Ilan G. Kaufer
 Attorney for
 Florida Power & Light Company

Enclosures
 cc: parties of record, w/out exhibit

DOCUMENT NUMBER-DATE

08429 AUG 13 09

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost)
Recovery Clause)
_____)

Docket No. 090002-EG

Filed: August 13, 2009

**FLORIDA POWER & LIGHT'S THIRD REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF CERTAIN MATERIALS PROVIDED IN AUDIT 00-047-4-1**

NOW, BEFORE THE COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093 of the Florida Statutes, hereby submits its Third Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with Audit No. 00-047-4-1 (the "Audit"). In support of this Third Request for Confidential Classification, FPL states as follows:

1. On October 22, 2003, FPL filed its Second Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A, B, C, and D. FPL incorporates by reference its October 22, 2003 Request and Exhibits.

2. FPL's October 22, 2003 Request was granted by Order No. PSC-04-0794-CFO-EG, issued August 13, 2004. Furthermore, in that order, the Commission specifically noted the sensitivity of this type of customer specific information and granted a five year extension of confidential classification.

3. The period of confidential treatment granted by that order will soon expire. Accordingly, FPL hereby submits its Third Request for Confidential Classification.

DOCUMENT NUMBER-DATE

08429 AUG 13 8

FPSC-COMMISSION CLERK

4. Included with this request is a Revised Exhibit D, containing the affidavit of Kenneth Getchell in support of the continued confidential classification of the Confidential Information.

5. All of the information that was the subject of FPL's October 22, 2003 Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. This material is intended to be and is treated by FPL as confidential and has not been disclosed. Pursuant to Section 366.093(3), such information is entitled to confidential treatment and 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

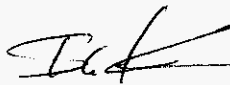
6. As indicated in the affidavit included as Revised Exhibit D, the information that FPL asserts is proprietary and confidential business information is customer-specific account information with respect to non-governmental customers. FPL has a corporate policy not to disclose customer specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests. Such information is protected from public disclosure pursuant to Section 366.093(3)(e), Florida Statutes.

7. Nothing has changed since the issuance of Order No. PSC-04-0794-CFO-EG to render the information stale or public, such that continued confidential treatment would not be appropriate. Additionally, this information will continue to be confidential beyond an 18 month period. Accordingly, FPL requests that this information be accorded confidential treatment for a second consecutive five year period. In the alternative, FPL requests that this information be accorded confidential treatment for at least an additional eighteen month period. FPL further requests that the information 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 affidavit included with this request, Florida Power & Light Company respectfully requests that its Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler
Managing Attorney
Ilan G. Kaufer
Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Tele: (561) 304-5675
Fax: (561) 691-7135

By: 

Ilan G. Kaufer
Fla. Bar No. 65394

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery* or U.S. Mail this 13th day of August, 2009, to the following:

Katherine Fleming*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Office of Public Counsel
J. R. Kelly, Esq.
Patricia Ann Christensen, Esq.
Charlie Beck, Esq.
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders/Steven Griffin
P.O. Box 12950
Pensacola, FL 32591-2950

Florida Public Utilities Company
Marc S. Seagrave
P. O. Box 3395
West Palm Beach, FL 33402-3395

Florida Industrial Power Users Group
John W. McWhirter, Jr.
c/o McWhirter Law Firm
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Ausley Law Firm
Lee Willis/James Beasley
P.O. Box 391
Tallahassee, FL 32302

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780

Tampa Electric Company
Paula K. Brown
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111

Messer Law Firm
Norman H. Horton, Jr.
P.O. Box 15579
Tallahassee, FL 32317

Keefe Law Firm
Vicki Gordon Kaufman/Jon C. Moyle, Jr.
118 North Gadsen Street
Tallahassee, FL 32301

Progress Energy Service Company, LLC
John T. Burnett
P.O. Box 14042
St. Petersburg, FL 33733-4042

Progress Energy Florida, Inc.
Mr. Paul Lewis, Jr.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

By: 

Ilan G. Kaufer
Fla. Bar. No. 65394

* The exhibits to this Request are not included with the service copies, but copies of Exhibits are available upon request.

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation)
Cost Recovery Clause)
_____)

Docket No. 090002-EG

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

AFFIDAVIT OF KENNETH GETCHELL

BEFORE ME, the undersigned authority, personally appeared Kenneth Getchell who, being first duly sworn, deposes and says:

1. My name is Kenneth Getchell. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Cost and Performance. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibits A, B, C, and D of FPL's Request for Confidential Classification of Materials provided in the Energy Conservation Cost Recovery Clause Audit No. 00-047-4-1/Docket No. 000002-EG filed on August 7, 2000. With respect to Exhibit C, I have reviewed the documents and information that were included in Exhibit A to FPL's Request for Confidential Classification filed by FPL on August 7, 2000. Such documents or materials, which I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute customer-specific account information with respect to non-governmental customers. Specifically, the documents or materials include customer names. FPL has a corporate policy not to disclose customer specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer.

3. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests or disclose their trade secrets. FPL's customers have affirmed to FPL their interest in having this information maintained confidential. For many of these customers, electric usage is an important part of their production or operating costs. Thus, the disclosure of rate or contract information, as well as consumption levels or patterns, could provide competitors with commercially sensitive information that would afford such competitors an unfair advantage. For others, non-disclosure of the information is simply a matter of privacy. While it may be that the disclosure of such information may be more sensitive for some customers than for others, FPL has not sought to make a case-by-case determination as to the level of sensitivity or potential harm with respect to disclosing a particular customer's information; rather, in deference to its customers, as a matter of policy, and in the interest of customer privacy, FPL has not disclosed to third parties specific rate and contract information for non-governmental customers unless required by law or unless the customer consents to such disclosure. This policy is important from both a practical and theoretical standpoint. Customers want the assurance that their information is protected to the same extent as any other customer's. Also, practically speaking, it would be a difficult and perhaps impossible task to make a case-by-case determination as to what level of protection each customer's data may merit.

4. No significant changes have occurred since the issuance of Order No. 04-0794-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. The information will continue to be confidential for longer than 18 months. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than five (5) years. These materials 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.

5. Affiant says nothing further.



Kenneth Getchell

SWORN TO AND SUBSCRIBED before me this 11th day of August 2009, by Kenneth Getchell, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires:

