

State of Florida



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Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 16, 2009
TO: Lisa C. Bennett, Senior Attorney, Office of the General Counsel
FROM: Walter Clemence, Regulatory Analyst II, Office of Strategic Analysis and Governmental Affairs *Walter Clemence*
RE: Florida Power & Light- Docket 080677-EI-Confidentiality Request- Document No. 08715-09

Florida Power and Light (FPL) has requested that certain information concerning a Department of Energy grant application for Advanced Metering Infrastructure furnished in response to Staff's Fourth Set of Production of Documents No. 55A be kept confidential.

FPL requests confidentiality under Subsections 366.093(3)(d) & (e), Florida Statutes (F.S.), which states:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

COM _____
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para Staff has reviewed FPL's confidentiality request. In staff's opinion, the request meets the criteria for confidentiality contained in subsections 366.093(3)(d) & (e), F.S. Therefore, staff

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

recommends that the request for confidentiality of certain information included in Document No. 08715-09 be approved.

CC: Bob Trapp
Mark Futrell
Clarence Prestwood
John Slemkewicz
✓Office of Commission Clerk

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SEP 15 2009

DATE: 9/14/09

TO: _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE
_____ DIVISION OF SERVICE, SAFETY & CONSUMER ASSISTANCE
X _____ DIVISION OF STRATEGIC ANALYSIS & GOVERNMENTAL
AFFAIRS
_____ OFFICE OF THE GENERAL COUNSEL

Office of Strategic Analysis
and Governmental Affairs

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 09335-09

DESCRIPTION: FPL (Goorland) - (CONFIDENTIAL) Responses to staff's 4th request for
PODs (No. 55-A supplemental). (x-ref DN 08715-09)

SOURCE: Florida Power & Light Company

DOCKET NO(s): 080677-EI

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Office of Commission Clerk and to the Office of General Counsel.

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Walter Clemence

Date: 9-15-09

cc: CLK RCP
 ECR SGA
 GCL SSC