



Florida Power & Light Company, P.O. Box 029100, Miami, FL 33102-9100

Scott A. Goorland  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 (Facsimile)  
E-mail: scott.goorland@fpl.com

February 4, 2009

**-VIA HAND DELIVERY -**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
10 FEB -4 PM 2:53  
COMMISSION  
CLERK

**Re: Docket No. 080677-EI**

Dear Ms. Cole:

Enclosed please find an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification of material identified as Exhibit H at the January 13, 2010 Agenda Conference, thereafter assigned Document No. 00343-10.

If there are any questions regarding this transmittal, please contact me at 561-304-5633.

Sincerely,

Scott A. Goorland

- COM \_\_\_\_\_
- APA \_\_\_\_\_
- ECR** 5
- GCL 1
- RAD \_\_\_\_\_
- SSC \_\_\_\_\_
- ADM \_\_\_\_\_
- OPC \_\_\_\_\_
- CLK 1

Enclosures

cc: Counsel for parties of record (w/encl.)

DOCUMENT NUMBER-DATE  
00802 FEB-4 09  
FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by                    )  
Florida Power & Light Company                        )

Docket No: 080677-EI

In re: 2009 depreciation and dismantlement )  
study by Florida Power & Light Company    )

Docket No. 090130-EI  
Filed: February 4, 2010

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF REQUESTED COMPENSATION INFORMATION**

**NOW, BEFORE THIS 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 requests confidential classification of competitively sensitive and private compensation information. In support of its request, FPL states as follows:

1. On August 13, 2009 FPL filed a Request for Confidential Classification of information that was responsive to Staff's Third Set of Interrogatories No. 16, Staff's Fourth Set of Interrogatories No. 32, and Staff's Eighth Set of Interrogatories No. 97. At its August 18, 2009 Agenda Conference, the Commission denied FPL's August 13, 2009 Request for Confidential Classification, and granted Staff's Motion to Compel.<sup>1</sup> See, Order No. 09-0569A-PCO-EI (issued Sept.1, 2009). On September 21, 2009, FPL filed a Petition for judicial review of the Commissions decision with the Florida First District Court of Appeal. On January 27, 2010, the First District Court of Appeal heard oral argument on the appeal. The Court's ruling is pending as of the filing of this Request for Confidential Classification.

2. On August 20, 2009, FPL filed confidential employee compensation information with a Notice of Intent to Request Confidential Classification, pursuant to the Florida Public

<sup>1</sup> Staff's Motion to Compel was filed on August 6, 2009.

DOCUMENT NUMBER-DATE  
0802 FEB-4 2010  
FPSC-COMMISSION CLERK

Service Commission's decisions in the above-referenced dockets at its August 18, 2009 Agenda Conference. FPL has provided variations of this information in response to subsequent requests made by the Commission. FPL filed a Request for Confidential Classification for each of these items on September 10, 2009.<sup>2</sup> FPL's September 10, 2009 Request for Confidential Classification is attached as Exhibit E.<sup>3</sup>

3. At the January 13, 2010 Agenda Conference for this proceeding, Commissioner Skop entered the confidential material that is the subject of this Request for Confidential Classification into the record of this proceeding. The confidential material was identified as Exhibit H at the Agenda Conference, and thereafter was assigned Document No. 00343-10. The transcript itself was identified as Document No. 00360-10, and a composite of all Agenda Conference Exhibits, including a redacted version of Exhibit H, was identified as Document No. 00375-10. The confidential material was a compilation of select confidential employee compensation information out of FPL's August 20, 2009 filing, compiled by the Commission. Thus, the confidential material provided at the January 13, 2010 Agenda Conference is, by extrapolation to the original material filed with the Commission on August 20, 2009, the subject of the pending ruling by the First District Court of Appeal.

4. Attached hereto and made a part hereof are the following exhibits:

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

---

<sup>2</sup> The additional information included extrapolations for future years (filed initially on August 24, 2009 with a Notice of Intent to Request Confidential Classification and again on August 25, 2009 with line numbers and back up MFR workpapers and a Notice of Intent to Request Confidential Classification); an electronic version of the information provided for Interrogatories Nos. 32 and 97 on a compact disc (filed with a Notice of Intent to Request Confidential Classification on August 25, 2009); an electronic version of the information provided for Interrogatories Nos. 16 and 17 on a compact disc (filed with a Notice of Intent to Request Confidential Classification on August 26, 2009).

<sup>3</sup> In addition to the above, on August 27, 2009, FPL filed a Notice of Intent to Request Confidential Classification of documents created by Staff, titled "Bonus as a Percent of Base Salary" and "Overtime as a Percent of Base Salary". FPL filed a Request for Confidential Classification of this information on September 17, 2009.

b) Exhibit B consists of a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted.

c) Exhibit C is a table containing a column-by-column and line-by-line identification of the information for which confidential treatment is sought and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d) Exhibit D is the affidavit of Kathleen Slattery in Support of this request.

5. FPL hereby fully incorporates its September 10, 2009 Request for Confidential Classification herein, including all arguments for the legal basis of its claim for confidential classification of this sensitive compensation information.

6. As explained in greater detail in the September 10, 2009 Request for Confidential Classification, the information subject to this request meets these criteria of Section 366.093(3), Florida Statutes and should be afforded confidential protection. Information related to compensation should be afforded confidential treatment if the relevant criteria are met, particularly given the competitively sensitive nature of the information and the harm to customers and the company's operations which would be a direct result of its disclosure. The Commission has recognized and utilized its ability to protect competitively sensitive compensation information from public disclosure and has determined on multiple occasions that it was appropriate to do so. The same principles should be upheld and applied in this instance. Confidential treatment for salary information linked with employee names is also necessary to protect the individual employees' rights to privacy.

7. The Commission should determine that this information is entitled to protection pursuant to Section 366.093(3)(d) and (e), Florida Statutes, or alternatively, that this information

should be protected as confidential pursuant to the Commission's general authority granted by Section 366.093(3), Florida Statutes, for the reasons discussed above. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes, such materials 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* Section 366.093(4), Florida Statutes.

8. To the extent the Commission's decision in Order No. 09-0568-CFO-EI is interpreted to also apply to the information provided subsequent to that decision, FPL requests continued confidential handling of this information pending final disposition of that matter by the Commission until judicial review is complete, consistent with Rule 25-22.006(10), Fla. Admin. Code.

WHEREFORE, for the above and foregoing reasons, the FPL respectfully requests that this Commission determine that this information should be treated as confidential and protected from public disclosure.

Respectfully submitted this 4<sup>th</sup> day of February 2010,

R. Wade Litchfield, Vice President of  
Regulatory Affairs and Chief Regulatory Counsel  
John T. Butler, Managing Attorney  
Scott A. Goorland, Principal Attorney  
Attorneys for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By: Marsha E. Pule  
for Scott A. Goorland  
Florida Bar No. 0066834

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically and by United States Mail this 4th day of February, 2010, to the following:

Lisa Bennett, Esquire  
Anna Williams, Esquire  
Martha Brown, Esquire  
Jean Hartman, Esquire  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-1400  
[LBENNETT@PSC.STATE.FL.US](mailto:LBENNETT@PSC.STATE.FL.US)  
[ANWILLIA@PSC.STATE.FL.US](mailto:ANWILLIA@PSC.STATE.FL.US)  
[mbrown@psc.state.fl.us](mailto:mbrown@psc.state.fl.us)  
[JHARTMAN@PSC.STATE.FL.US](mailto:JHARTMAN@PSC.STATE.FL.US)

J.R. Kelly, Esquire  
Joseph A. McGlothlin, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
Attorneys for the Citizens of the State  
of Florida  
[Kelly.jr@leg.state.fl.us](mailto:Kelly.jr@leg.state.fl.us)  
[mcglothlin.joseph@leg.state.fl.us](mailto:mcglothlin.joseph@leg.state.fl.us)

Kenneth L. Wiseman, Esquire  
Mark F. Sundback, Esquire  
Jennifer L. Spina, Esquire  
Lisa M. Purdy, Esquire  
Lino Mendiola, Esquire  
Meghan Griffiths, Esquire  
Andrews Kurth LLP  
1350 I Street, NW, Suite 1100  
Washington, DC 20005  
Attorneys for South Florida Hospital and  
Healthcare Association ("SFHHA")  
[kwiseman@andrewskurth.com](mailto:kwiseman@andrewskurth.com)  
[msundback@andrewskurth.com](mailto:msundback@andrewskurth.com)  
[jspina@andrewskurth.com](mailto:jspina@andrewskurth.com)  
[lisapurdy@andrewskurth.com](mailto:lisapurdy@andrewskurth.com)  
[linomendiola@andrewskurth.com](mailto:linomendiola@andrewskurth.com)

Robert A. Sugarman, Esquire  
D. Marcus Braswell, Jr., Esquire  
c/o Sugarman & Susskind, P.A.  
100 Miracle Mile, Suite 300  
Coral Gables, FL 33134  
Attorneys for I.B.E.W. System Council  
U-4  
[sugarman@sugarmansusskind.com](mailto:sugarman@sugarmansusskind.com)  
[mbraswell@sugarmansusskind.com](mailto:mbraswell@sugarmansusskind.com)

Robert Scheffel Wright, Esquire  
John T. LaVia, III, Esquire  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, Florida 32301  
Attorneys for the Florida Retail  
Federation  
[swright@yvlaw.net](mailto:swright@yvlaw.net)  
[jlavia@yvlaw.net](mailto:jlavia@yvlaw.net)

Jon C. Moyle, Jr., Esquire  
Vicki Gordon Kaufman, Esquire  
Keefe Anchors Gordon & Moyle, PA  
118 North Gadsden Street  
Tallahassee, FL 32301  
Attorneys for The Florida Industrial  
Power Users Group (FIPUG)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)  
[vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)

[meghangriffiths@andrewskurth.com](mailto:meghangriffiths@andrewskurth.com)

John W. McWhirter, Jr., Esquire  
c/o McWhirter Law Firm  
P.O. Box 3350  
Tampa, FL 33601  
Attorneys for The Florida Industrial Power Users  
Group (FIPUG)  
[jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

Thomas Saporito  
Saporito Energy Consultants, Inc.  
Post Office Box 8413  
Jupiter, FL 33468-8413  
[support@SaporitoEnergyConsultants.com](mailto:support@SaporitoEnergyConsultants.com)

Stephanie Alexander, Esquire  
Tripp Scott, P.A.  
200 West College Avenue, Suite 216  
Tallahassee, FL 32301  
Attorneys for Association For Fairness In Rate  
Making (AFFIRM)  
[sda@trippscott.com](mailto:sda@trippscott.com)

Shayla L. McNeill, Capt, USAF  
Utility Litigation & Negotiation Team  
Staff Attorney  
AFLOA/JACL-ULT  
AFCESA  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5317  
Attorneys for the Federal Executive Agencies  
[shayla.mcneill@tyndall.af.mil](mailto:shayla.mcneill@tyndall.af.mil)

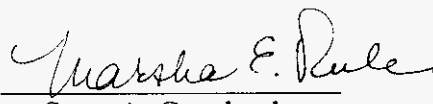
Mary F. Smallwood, Esq.  
Ruden, McClosky, Smith, Schuster & Russell, P.A.  
215 South Monroe Street, Suite 815  
Tallahassee, FL 32301  
Attorney for Associated Industries of Florida  
[Mary.Smallwood@Ruden.com](mailto:Mary.Smallwood@Ruden.com)

Brian P. Armstrong, Esquire  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive, Suite 200  
Tallahassee, FL 32308  
Attorneys for the City of South Daytona,  
Florida  
[barmstrong@ngnlaw.com](mailto:barmstrong@ngnlaw.com)

Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol - PL01  
Tallahassee, FL 32399-1050  
[cecilia.bradley@myfloridalegal.com](mailto:cecilia.bradley@myfloridalegal.com)

Tamela Ivey Perdue, Esquire  
Associated Industries of Florida  
516 North Adams Street  
Tallahassee, FL 32301  
[tperdue@aif.com](mailto:tperdue@aif.com)

Barry Richard, Esq.  
Greenberg Traurig, P.A.  
101 East College Avenue  
Tallahassee, FL 32301  
Attorneys for Florida Power & Light  
Company and FPL Employee  
Intervenors  
[richardb@gtlaw.com](mailto:richardb@gtlaw.com)

By:   
for Scott A. Goorland



**CONFIDENTIAL**  
**EXHIBIT A**

**(FILED SEPARATELY UNDER CONFIDENTIAL COVER)**

# **EXHIBIT B**

080677-EI

A	B	C	D	E	
Job Title	2009 Base Salary	2009 Total Compensation	2010 Base Salary	2010 Total Compensation	Line #
<u>Marketing/Communication</u>					
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	15
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	257
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	281
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	411
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	412
Subtotal	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	AA
<u>Human Resources</u>					
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	39
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	151
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	152
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	387
Subtotal	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	BB
<u>Regulatory Affairs</u>					
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	43
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	113
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	215
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	256
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	328
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	390
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	419
Subtotal	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	CC
Total, Comm, HR, and Regulatory	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	DD

DOCUMENT NUMBER - DATE  
 00343 JAN 14 2  
 FPSC - COMMISSION OF EAF

Commissioner Skop  
 Parties/Staff Handout  
 Internal Affairs (Agenda)  
 on 1/13/10  
 Item No. SA  
 EX H

# **EXHIBIT C**

**EXHIBIT C**  
**Docket No. 080677-EI**  
**February 4, 2010**

**Document prepared by Commissioner Skop – January 13, 2010 Agenda Conference  
handout identified as Exhibit H, Confidential Document No. 00343-10**

Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat	Affiant
A-E	15, 257, 281, 411, 412, AA, 39, 151, 152, 387, BB, 43, 113, 215, 256, 326, 390, 419, CC, and DD	(3)(d), (e)	Kathleen Slattery

# **EXHIBIT D**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by )  
Florida Power & Light Company )

Docket No. 080677-EI

In re: 2009 depreciation and dismantlement )  
study by Florida Power & Light Company )

Docket No. 090130-EI

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH )

**AFFIDAVIT OF KATHLEEN M. SLATTERY**

**BEFORE ME**, the undersigned authority, personally appeared Kathleen M. Slattery who, being first duly sworn, deposes and says:

1. My name is Kathleen M. Slattery. I am currently employed by Florida Power & Light Company ("FPL") as the Director of Executive Services and Business Planning. I have personal knowledge of the matters stated in this affidavit.

2. The documents at issue contain proprietary confidential business information consisting of competitively sensitive employee compensation details and records.

3. This information belongs to and is used by FPL in the conduct of its business operations. This information is commercially valuable and maintaining the confidentiality of same provides FPL with a competitive advantage or an opportunity to obtain a competitive advantage over those not in possession of such information.

4. FPL operates within a highly competitive market for skilled and trained executive employees. Public disclosure of employee compensation details and records would cause harm to FPL's business operations by providing competing employers with access to specific information useful in hiring away these skilled and trained executives. Any resulting loss of talented employees, many of whom have gained significant experience with FPL and have received significant training and instruction from FPL, would damage FPL's business and not only cause FPL to lose the substantial investment it has in its workforce, but force FPL to incur additional costs to search for and train replacement personnel.

5. Additionally, public disclosure of this information would cause damage to FPL's business operations and increase FPL's operating costs by impeding FPL's ability to attract new talent on a cost effective basis, and to retain current employees at existing salary levels.

6. The resulting damage to the quality of service and the cost of service would be detrimental to both FPL and to its rate paying customers by reducing the level of workforce talent available to perform the necessary corporate functions, by increasing the cost of such workforce talent, or both.


7. FPL controls access to and maintains the confidentiality of this information both as to the public and within the FPL corporate structure. The information has not been and is not made available to the public. Moreover, within the corporate structure, FPL has policies and procedures in place to prevent the disclosure of this information to anyone other than specifically authorized personnel who have access to same for limited business purposes.

8. Finally, compensation information regarding specific individual employees is private as to each respective employee and FPL safeguards such information from disclosure to protect the individual privacy interests of those employees. Any public disclosure of such individual compensation information, whether by employee name or in this case, by job title that readily can be tied to an individual employee, would violate the employee's right to privacy and the reasonable expectation that such information would not be the subject of public disclosure.

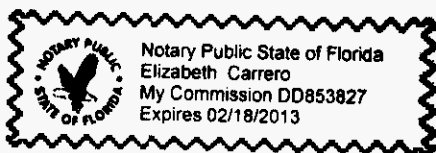
9. Affiant says nothing further.

  
Kathleen M. Slattery

**SWORN TO AND SUBSCRIBED** before me this 3rd day of February 2010, by Kathleen M. Slattery, 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:





# **EXHIBIT E**



Jessica Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5226  
(561) 691-7135 (Facsimile)

September 10, 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 SEP 10 PM 4:51  
COMMISSION  
CLERK

Re: Docket No. 080677-EI and Docket No. 090130-EI

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 of Requested Compensation Information. The original includes Exhibit A through D. The seven (7) copies include Exhibit C and Exhibit D only.

Incorporated by reference as "Exhibit A" are the highlighted confidential attachments to FPL's Notices of Intent to Request Confidential Classification filed on August 20, 2009, August 24, 2009, August 25, 2009, another on August 25, 2009, and August 26, 2009. 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 table for its Request for Confidential Classification. Exhibit D contains a copy of the affidavit of Kathleen Slattery 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 only in Microsoft Word format.

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

Sincerely,

*Jessica A. Cano*  
Jessica A. Cano

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

CUM  
ENC 5  
SCL 1+CD  
CFC  
RFP  
SCL  
MCA  
ADPS  
CLK 1

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by )  
Florida Power & Light Company )

Docket No: 080677-EI

In re: 2009 depreciation and dismantlement )  
study by Florida Power & Light Company )

Docket No. 090130-EI  
Filed: September 10, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF REQUESTED COMPENSATION INFORMATION**

NOW, BEFORE THIS 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 requests confidential classification of competitively sensitive and private compensation information. In support of its request, FPL states as follows:

1. On August 20, 2009, FPL filed confidential employee compensation information with a Notice of Intent to Request Confidential Classification,<sup>1</sup> pursuant to the Florida Public Service Commission's decisions on Items 4 and 4a in the above-referenced dockets at its Agenda Conference on August 18, 2009. *See*, Order No. 09-0569A-PCO-EI (issued Sept.1, 2009). FPL also has provided variations of this information in response to subsequent requests made by the Commission. The additional information included extrapolations for future years (filed initially on August 24, 2009 with a Notice of Intent to Request Confidential Classification<sup>2</sup> and again on August 25, 2009 with line numbers and back up MFR workpapers and a Notice of Intent to Request Confidential Classification); an electronic version of the information provided for

<sup>1</sup> FPL's initial filing on August 19, 2009, was made in error and has been returned. The information provided on August 20, 2009 is completely subsumed within subsequent filings. Accordingly, FPL requests that the confidential exhibit attached to its August 20, 2009 filing be returned at Staff's earliest convenience.

<sup>2</sup> This information is completely subsumed within the August 25, 2009 filing. Accordingly, FPL requests that the confidential exhibit attached to its August 24, 2009 filing be returned at Staff's earliest convenience.

DOCUMENT NUMBER-DATE

09381 SEP 10 8

FPSC-COMMISSION CLERK

Interrogatories Nos. 32 and 97 on a compact disc (filed with a Notice of Intent to Request Confidential Classification on August 25, 2009); and an electronic version of the information provided for Interrogatories Nos. 16 and 17 on a compact disc (filed with a Notice of Intent to Request Confidential Classification on August 26, 2009). This filing is intended to request confidential classification of the confidential attachments to each of these Notices of Intent to Request Confidential Classification.

2. Attached hereto and made a part hereof are the following exhibits:

a) FPL incorporates by reference the documents attached to each of its Notices of Intent to Request Confidential Classification identified above, on which the confidential information was highlighted, as Exhibit A.

b) Exhibit B consists of edited versions of the hard copy documents with the confidential information redacted. A redacted version of each of the compact discs is not required pursuant to Rule 25-22.006(4)(b), Fla. Admin. Code.

c) Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential treatment is sought and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d) Exhibit D is a copy of the affidavit of Kathleen Slattery, attesting to the detrimental impacts FPL anticipates as a result of the public disclosure of this competitively sensitive compensation information.

3. For the purpose of completeness, FPL is restating its bases for confidential classification of this sensitive compensation information. Section 366.093(3), Florida Statutes, sets forth the types of information which may receive confidential treatment. Specifically, that section states as follows:

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.

(emphasis added). The statutory standard is clear. Information is entitled to confidential treatment if it: (1) is owned or controlled by the company; (2) is intended to be and is treated by the person or company as private; (3) would cause harm to the ratepayers or the persons' or company's business operations; and (4) has not been disclosed unless disclosed unless pursuant to some order or agreement that further protects the information from public disclosure.

4. The legislature has determined that certain categories of information, i.e., the information listed in subsections (a) through (f), are *automatically* entitled to confidential treatment. But the statute is equally clear that any information that meets the criteria of the

statute, as set forth above, is entitled to be protected under Section 366.093. The information subject to this request meets these criteria and should be afforded confidential protection.

5. According to Section 366.093(3)(f), Florida Statutes, personnel information unrelated to compensation is entitled to automatic protection; however, nothing in that section precludes (and in fact the section specifically authorizes) a determination that information related to compensation *should* be afforded confidential treatment if the relevant criteria are met, particularly given the competitively sensitive nature of the information and the harm to customers and the company's operations which would be a direct result of its disclosure.

6. The Commission has recognized and utilized its ability to protect competitively sensitive compensation information from public disclosure and has determined on multiple occasions that it was appropriate to do so. In each instance, the information was determined to be competitively sensitive and protected by Section 366.093(3)(e), Florida Statutes. *See*, Order No. PSC-05-0626-PCO-EI, issued June 7, 2005, Docket No. 050078-EI, *In re: Petition for rate increase by Progress Energy Florida, Inc.* (allowing employee compensation information to receive confidential treatment); Order No. PSC-02-1755-CFO-GU, issued December 12, 2002, Docket No. 020384-GU, *In re: Petition for rate increase by Peoples Gas System* (allowing executive compensation and executive incentive compensation to receive confidential treatment); Order No. PSC-02-1613-PCO-GU, issued November 21, 2002, Docket No. 020384-GU, *In re: Petition for rate increase by Peoples Gas System* (allowing compensation philosophy and incentive compensation to receive confidential treatment); Order No. PSC-02-0050-PCO-EI, issued January 7, 2002, Docket No. 010949-EI, *In re: Request for rate increase by Gulf Power Company* (allowing incentive compensation plan to receive confidential treatment); Order No. PSC-0102528-CFO-EI, issued December 28, 2001, Docket No. 010001-EI, *In re: Fuel and*

*purchased power cost recovery clause and generating performance incentive factor* (allowing employees' names, positions, and factors considered in their compensation to receive confidential treatment).

7. Thus, the Commission, while having full access to as much individual compensation information as it deems appropriate to fulfill its regulatory functions, has consistently agreed that individual compensation information should not be (nor need be) publicly disclosed. The same principles should be upheld and applied in this instance. The Commission and its Staff has requested and been provided with detailed individual compensation information and will review that information in fulfilling its regulatory responsibilities. But public disclosure of the individual information to which the Commission has access by virtue of its regulatory function is wholly unnecessary to those responsibilities and, as discussed in more detail below and supported through the attached affidavit, would cause irreparable harm both to the company as well as its customers. Moreover, such an action would disregard a longstanding fundamental respect for privacy that the Commission's actions in the past have maintained.

8. FPL recognizes that compensation information in aggregated or summary form in some cases may not meet the criteria for confidential treatment and has not sought such treatment in this instance. For example, in one order denying confidential treatment over summary-level compensation information, the Commission stated that the information that was the subject of that request did not reveal "any specifics of compensation plans or compensation levels *that would cause irreparable harm to [the utility's] competitive plans.*" (emphasis added). Order No. PSC-02-0235-CFO-EI, issued February 25, 2002, Docket No. 010949-EI, *In re: Request for rate increase by Gulf Power Company*. But the Commission went on to state that "the information is given in total dollar amounts and percentages and does not reveal individual

employees' names, levels, incentive compensation, or bonuses *which would be competitively sensitive or confidential in nature*" (emphasis added). *Id.* Clearly the Commission has recognized the competitively sensitive nature of certain types of compensation information in the past and should do so in this instance as well.

9. FPL has provided, in a publicly available manner, a variety of information related to employee compensation. Consistent with the requirements of the Securities Exchange Commission, FPL publicly discloses specific compensation information for its top officers. Additionally, FPL has provided in response to Staff's Eighth Set of Interrogatories No. 97, a public document containing compensation averages by title for all employees with total compensation greater than \$165,000. FPL respectfully submits that it has provided all information requested and has cooperated fully with Staff in response to such requests, and that the Commission and its Staff have all the information needed for purposes of its review. FPL is requesting protection only for information whose public disclosure would cause the Company and its customers irreparable harm.

10. The specific information that is the subject of this Request continues to be available to the Commission and its Staff. However, it is not consistent with the interests of FPL or its customers to make this information publicly available. FPL operates within a highly competitive market for talented employees. Disclosure of compensation and incentive compensation information would enable competing employers to meet – or beat – the compensation offered by FPL. This would result in (i) the loss of highly skilled and trained employees to competitors and the inability to attract new talent, or (ii) the need to increase the level of compensation and incentives already paid in order to retain these employees and attract new talent. In other words, public disclosure of this information would become a benchmark for



salary negotiations. For example, director X (whether currently employed by FPL or being recruited by FPL) will demand the same salary as director Y – leaving if his terms are not met or increasing the cost of compensation to the Company if his terms are met. In addition, competitors would be able to pinpoint salaries of specific FPL employees for specific job roles, whether by explicit reference or deduction, thus leading to the poaching of FPL employees by competitors and similarly increasing costs to customers. Recruiting and hiring costs likewise would increase, again imposing additional costs on FPL’s customers. The information provided in response to Staff’s Interrogatory No. 97 and supplied as a public document provides adequate information for the Commission to fulfill its ratemaking responsibility while helping to ensure customer costs are not unnecessarily increased by virtue of releasing identifying information with respect to employee compensation.

11. The harm to customers that would directly result from publicly disclosing employee-specific compensation information is obvious. Overall costs and performance will be affected by such disclosure as the Company is forced to pay to retain, or pay to replace and train new employees. These principles are not unique to electric utilities in Florida. For precisely these same reasons, compensation information not otherwise required to be publicly disclosed by Securities and Exchange Commission rules, is held to be confidential by any major company in the United States. Such competitively sensitive information is entitled to protection pursuant to Section 366.093(3)(e), Florida Statutes.

12. Confidential treatment for salary information linked with employee names is also necessary to protect the individual employees’ rights to privacy. In Florida, a citizen’s right to privacy is independently protected by the state constitution. *See*, Art. V, § 23, Fla. Const. Accordingly, the citizens of Florida, in amending the state constitution, explicitly recognized

individual privacy interests. To protect the privacy interests of its employees (who are not subject to the mandatory disclosure requirements of the Securities and Exchange Commission), FPL will continue to request confidential treatment for individual employees' salaries linked to their names and titles. FPL maintains this information as confidential and it has not been disclosed.

13. The Commission should determine that this information is entitled to protection pursuant to Section 366.093(3)(e), Florida Statutes, or alternatively, that this information should be protected as confidential pursuant to the Commission's general authority granted by Section 366.093(3), Florida Statutes, for all the reasons discussed above. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes, such materials 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.

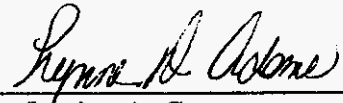
14. To the extent the Commission's decision in Order No. 09-0568-CFO-EI, denying confidential classification of similar compensation information, is interpreted to also apply to the information provided subsequent to that decision, FPL requests continued confidential handling of this information pending final disposition by the Commission, including disposition of any motion for reconsideration, and until judicial review is complete, consistent with Rule 25-22.006(10), Fla. Admin. Code.

WHEREFORE, for the above and foregoing reasons, the undersigned respectfully request that this Commission determine that (i) confidential classification of this information is available pursuant to Section 366.093(3), Florida Statutes; (ii) disclosure of competitively sensitive

compensation information would detrimentally impact FPL and its customers by reducing the quality of service or increasing the cost of service; (iii) disclosure of individual employees' names and salary information would be a violation of their constitutionally protected privacy interests and (iv) this information therefore should be treated as confidential and protected from public disclosure.

Respectfully submitted this 10<sup>th</sup> day of September 2009,

R. Wade Litchfield, Vice President of  
Regulatory Affairs and Chief Regulatory Counsel  
John T. Butler, Managing Attorney  
Bryan S. Anderson, Managing Attorney  
Jessica A. Cano, Attorney  
Attorneys for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By:   
\_\_\_\_\_  
Jessica A. Cano  
Florida Bar No. 0037372

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail this 10th day of September, 2009, to the following:

Lisa Bennett, Esquire  
Anna Williams, Esquire  
Martha Brown, Esquire  
Jean Hartman, Esquire  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-1400  
[LBENNETT@PSC.STATE.FL.US](mailto:LBENNETT@PSC.STATE.FL.US)  
[ANWILLIA@PSC.STATE.FL.US](mailto:ANWILLIA@PSC.STATE.FL.US)  
[mbrown@psc.state.fl.us](mailto:mbrown@psc.state.fl.us)  
[JHARTMAN@PSC.STATE.FL.US](mailto:JHARTMAN@PSC.STATE.FL.US)

J.R. Kelly, Esquire  
Joseph A. McGlothlin, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
Attorneys for the Citizens of the State  
of Florida  
[Kelly.jr@leg.state.fl.us](mailto:Kelly.jr@leg.state.fl.us)  
[mcglathlin.joseph@leg.state.fl.us](mailto:mcglathlin.joseph@leg.state.fl.us)

Kenneth L. Wiseman, Esquire  
Mark F. Sundback, Esquire  
Jennifer L. Spina, Esquire  
Lisa M. Purdy, Esquire  
Lino Mendiola, Esquire  
Meghan Griffiths, Esquire  
Andrews Kurth LLP  
1350 I Street, NW, Suite 1100  
Washington, DC 20005  
Attorneys for South Florida Hospital and  
Healthcare Association ("SFHHA")  
[kwiseman@andrewskurth.com](mailto:kwiseman@andrewskurth.com)  
[msundback@andrewskurth.com](mailto:msundback@andrewskurth.com)  
[jspina@andrewskurth.com](mailto:jspina@andrewskurth.com)  
[lisapurdy@andrewskurth.com](mailto:lisapurdy@andrewskurth.com)  
[linomendiola@andrewskurth.com](mailto:linomendiola@andrewskurth.com)  
[meghangriffiths@andrewskurth.com](mailto:meghangriffiths@andrewskurth.com)

Robert A. Sugarman, Esquire  
D. Marcus Braswell, Jr., Esquire  
c/o Sugarman & Susskind, P.A.  
100 Miracle Mile, Suite 300  
Coral Gables, FL 33134  
Attorneys for I.B.E.W. System Council U-4  
[sugarman@sugarmansusskind.com](mailto:sugarman@sugarmansusskind.com)  
[mbraswell@sugarmansusskind.com](mailto:mbraswell@sugarmansusskind.com)

Robert Scheffel Wright, Esquire  
John T. LaVia, III, Esquire  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, Florida 32301  
Attorneys for the Florida Retail Federation  
[swright@yvlaw.net](mailto:swright@yvlaw.net)  
[jlavia@yvlaw.net](mailto:jlavia@yvlaw.net)

Jon C. Moyle, Jr., Esquire  
Vicki Gordon Kaufman, Esquire  
Keefe Anchors Gordon & Moyle, PA  
118 North Gadsden Street  
Tallahassee, FL 32301  
Attorneys for The Florida Industrial Power  
Users Group (FIPUG)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)  
[vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)

John W. McWhirter, Jr., Esquire  
c/o McWhirter Law Firm  
P.O. Box 3350  
Tampa, FL 33601  
Attorneys for The Florida Industrial Power  
Users Group (FIPUG)  
[jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

Brian P. Armstrong, Esquire  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive, Suite 200  
Tallahassee, FL 32308  
Attorneys for the City of South Daytona,  
Florida  
[barmstrong@ngnlaw.com](mailto:barmstrong@ngnlaw.com)

Thomas Saporito  
Saporito Energy Consultants, Inc.  
Post Office Box 8413  
Jupiter, FL 33468-8413  
[support@SaporitoEnergyConsultants.com](mailto:support@SaporitoEnergyConsultants.com)

Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol - PL01  
Tallahassee, FL 32399-1050  
[cecilia.bradley@myfloridalegal.com](mailto:cecilia.bradley@myfloridalegal.com)

Stephanie Alexander, Esquire  
Tripp Scott, P.A.  
200 West College Avenue, Suite 216  
Tallahassee, FL 32301  
Attorneys for Association For Fairness In  
Rate Making (AFFIRM)  
[sda@trippscott.com](mailto:sda@trippscott.com)

Tamela Ivey Perdue, Esquire  
Associated Industries of Florida  
516 North Adams Street  
Tallahassee, FL 32301  
[tperdue@aif.com](mailto:tperdue@aif.com)

Shayla L. McNeill, Capt, USAF  
Utility Litigation & Negotiation Team  
Staff Attorney  
AFLOA/JACL-ULT  
AFCESA  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5317  
Attorneys for the Federal Executive Agencies  
[shayla.mcneill@tyndall.af.mil](mailto:shayla.mcneill@tyndall.af.mil)

By:   
Jessica A. Cano

# EXHIBIT C

**EXHIBIT C**  
**Docket No. 080677-EI**  
**September 10, 2009**

**FPL Revised Response to Staff's Third Interrogatories, No. 16 and 17—August 20, 2009, Data with Job Titles**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B, D-M	Lines 4, 6-23, 25-28, 30-45	(3)(d), (e)	Kathleen Slattery
2009	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2010	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2011	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery

**FPL Revised Combined Response to Staff's Fourth Interrogatories No. 32 and Staff's Eighth Interrogatories No. 97—August 20, 2009, Data with Job Titles**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B – O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2009	B – H	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2010	B – H	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2011	B – H	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery

**FPL Revised Response to Staff's Third Interrogatories, No. 16 and 17—August 20, 2009, Work paper file**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B, D-G, K, M, O	Lines 4, 6-23, 25-28, 30-45	(3)(d), (e)	Kathleen Slattery
2008	I	Lines 20-23, 25-28, 30, 33-37, 42	(3)(d), (e)	Kathleen Slattery
2009	B, D-G, K, M, O	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2009	I	Lines 20-23, 25-28, 30, 33-37, 42	(3)(d), (e)	Kathleen Slattery
2010	B, D-G, K, M, O	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2010	I	Lines 20-23, 25-28, 30, 33-37, 42	(3)(d), (e)	Kathleen Slattery
2011	B, D-G, K, M, O	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2011	I	Lines 20-23, 25-28, 30, 33-37, 42	(3)(d), (e)	Kathleen Slattery

**FPL Revised Combined Response to Staff's Fourth Interrogatories No. 32 and Staff's Eighth Interrogatories No. 97—August 20, 2009, Work paper file**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	C – I, K – L	Lines 2-420	(3) and (3)(e)	Kathleen Slattery



**FPL Revised Combined Response to Staff's Fourth Interrogatories No. 32 and Staff's Eighth Interrogatories No. 97—August 24, 2009, Data with Job Titles and Subsequent Years**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B – O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2009	B – O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2010	B – O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2011	B – O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery

**FPL Revised Response to Staff's Third Interrogatories, No. 16 and 17—August 25, 2009, Data with Job Titles and Subsequent Years**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B, D-M	Lines 4, 6-23, 25-28, 30-45	(3)(d), (e)	Kathleen Slattery
2009	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2010	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2011	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery

**FPL Revised Combined Response to Staff's Fourth Interrogatories No. 32 and Staff's Eighth Interrogatories No. 97—August 25, 2009, Data with Job Titles and Subsequent Years**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B - O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2009	B - O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2010	B - O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2011	B - O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery

**FPL Revised Response to Staff's Third Interrogatories No. 16 and 17—August 25, 2009, Work paper file**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B, D-G, K, M, O	Lines 4, 6-23, 25-28, 30-45	(3)(d),(e)	Kathleen Slattery
2008	I	Lines 20-23, 25-28, 30, 33-37, 42	(3)(d), (e)	Kathleen Slattery
2009	B, D-G, K, M, O	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2009	I	Lines 20-23, 25-28, 30, 33-37, 42	(3)(d), (e)	Kathleen Slattery
2010	B, D-G, K, M, O	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2010	I	Lines 20-23, 25-28, 30, 33-37, 42	(3)(d), (e)	Kathleen Slattery
2011	B, D-G, K, M, O	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2011	I	Lines 20-23, 25-28, 30, 33-37, 42	(3)(d), (e)	Kathleen Slattery

**FPL Revised Combined Response to Staff's Fourth Interrogatories No. 32 and Staff's Eighth Interrogatories No. 97—August 25, 2009, Work paper file**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B-H, J-K	Lines 2-420	(3) and (3)(e)	Kathleen Slattery

**August 25, 2009: CD provided with FPL Revised Combined Response to Staff's Fourth Interrogatories No. 32 and Staff's Eighth Interrogatories No. 97.**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B-O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2009	B-O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2010	B-O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery
2011	B-O	Lines 2- 420	(3) and (3)(e)	Kathleen Slattery

**August 26, 2009: CD provided with FPL Revised Response to Staff's Third Interrogatories No. 16 and 17.**

Year	Columns	Line Nos.	Applicable subsection of § 366.093, Fla. Stat.	Affiant
2008	B, D-M	Lines 4, 6-23, 25-28, 30-45	(3)(d), (e)	Kathleen Slattery
2009	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2010	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery
2011	B, D-M	Lines 4, 6-23, 25-28, 30-43	(3)(d), (e)	Kathleen Slattery

# EXHIBIT D

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by )  
Florida Power & Light Company )

Docket No. 080677-EI

In re: 2009 depreciation and dismantlement )  
study by Florida Power & Light Company )

Docket No. 090130-EI

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

**AFFIDAVIT OF KATHLEEN SLATTERY**

**BEFORE ME**, the undersigned authority, personally appeared Kathleen Slattery who, being first duly sworn, deposes and says:

1. My name is Kathleen Slattery. I am currently employed by FPL as Director Executive Services and Business Planning. My business address is 700 Universe Boulevard, Juno Beach, Florida 33408. I have personal knowledge of the matters stated in this affidavit.

2. The FPL documents at issue are owned and controlled by FPL and contain proprietary confidential business information consisting of competitively sensitive employee compensation details and records.

3. This information is used by FPL in the conduct of its business operations. FPL considers this information as commercially valuable and maintaining the confidentiality of same provides an advantage or an opportunity to obtain an advantage over those not in possession of such information.

4. FPL operates within a highly competitive market for skilled and trained executive employees. Public disclosure of employee compensation details and records would cause harm to FPL's business operations by providing competing employers with access to specific information useful in hiring away these skilled and trained executives. Any resulting loss of talented employees, many of whom have gained significant experience with FPL and have received significant training and instruction from FPL would damage FPL's business and cause FPL to lose the substantial investment it has in its workforce.

5. Additionally, public disclosure of this information would cause damage to FPL's business operations by impeding FPL's ability to attract new talent on a cost effective basis, and to retain current employees at existing salary levels.

6. The resulting damage to the quality of service and the cost of service would be detrimental to both FPL and to its ratepaying customers by reducing the level of workforce talent available to perform the necessary corporate functions, by increasing the cost of such workforce talent, or both.

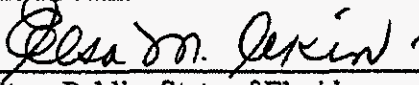
7. FPL controls access to and maintains the confidentiality of this information both as to the public and within the FPL corporate structure. The information has not been and is not made available to the public. Moreover, within the corporate structure, FPL has policies and procedures in place preventing the disclosure of this information to anyone other than specifically authorized personnel who have access to same for limited business purposes.

8. Finally, compensation information regarding specific individual employees is private as to each respective employee and FPL safeguards such information from disclosure to protect the individual privacy interests of those employees. Any public disclosure of such individual compensation information would violate the employee's right to privacy and the reasonable expectation that such information would not be the subject of public disclosure.

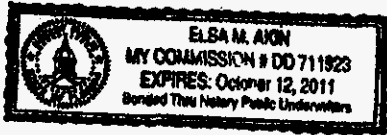
9. Affiant says nothing further.

  
\_\_\_\_\_  
Kathleen Slattery

SWORN TO AND SUBSCRIBED before me this 10 day of August, 2009, by Kathleen Slattery 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:



STATE OF FLORIDA

COMMISSIONERS:  
NANCY ARGENZIANO, CHAIRMAN  
LISA POLAK EDGAR  
NATHAN A. SKOP  
DAVID E. KLEMENT  
BEN A. "STEVE" STEVENS III



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: February 4, 2010

TO: Scott A. Goorland, Florida Power & Light Company

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 080677 or, if filed in an undocketed matter, concerning material identified as Exhibit H at 1/13/10, Agenda Conference, DN 00343-10, 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 Kim Peña, Records Management Assistant, at (850) 413-6393.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850  
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

DOCUMENT NUMBER - DATE  
00803 FEB-4 2010  
PSC-COMMISSION CLERK