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January 5, 2011 COMMISSION CLERK

1100009-EI

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

claim of confidentiality  
 notice of intent  
 request for confidentiality / ext  
 filed by OPC

For DN 0405209, which  
 is in locked storage. You must be  
 authorized to view this DN.-CLK

Re: Docket No. 100009-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 First Request for Extension of Confidential Classification of its responses to Staff's Second Request for Production of Documents Nos. 2 and 3 in Docket No. 090009-EI, including a Revised Exhibit C and Revised Exhibit D.

Revised Exhibit C consists of FPL's justification for its First Request for Extension of Confidential Classification. Revised Exhibit D contains two affidavits in support of FPL's Request. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification and Revised 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
- APA
- ECR  3+1
- GCL
- RAD
- SSC
- ADM
- OPC
- CLK

cc: Parties of Record  
 CD containing Request, and exhibit C.

DOCUMENT NUMBER: 00084 JAN-5 =

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Nuclear Power Plant )  
Cost Recovery Clause )

Docket No. 100009-EI  
Filed: January 5, 2011

**FLORIDA POWER & LIGHT COMPANY'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF RESPONSES TO STAFF'S SECOND REQUEST FOR PRODUCTION OF  
DOCUMENTS NOS. 2& 3 IN DOCKET NO. 090009-EI**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests continued confidential classification of portions of its responses to Staff's Second Request for Production of Documents Nos. 2 & 3 in Docket No. 090009-EI. In support of its request, FPL states as follows:

1. On April 30, 2009, FPL requested confidential classification of portions of its responses to Staff's Second Request for Production of Documents Nos. 2 & 3. FPL's April 30, 2009 request and exhibits A through D are incorporated herein by reference. On July 10, 2009, the Florida Public Service Commission ("Commission") granted FPL's request. *In re: Nuclear Cost Recovery Clause*, Docket No. 090009-EI, Order No. PSC-09-0495-CFO-EI.

2. The period of confidential treatment granted by Order No. PSC-09-0495-CFO-EI will soon expire. All the information that was the subject of Order No. PSC-09-0495-CFO-EI warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification. Included herewith are a Revised Exhibit C and Revised Exhibit D.

3. Revised Exhibit C contains a table identifying the specific pages, and the line(s) or column(s) on those pages, which remain confidential. The table also contains references to the specific statutory basis or bases for the claim of confidentiality, and to the affidavit(s) that

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FPSC-COMMISSION CLERK

support continued confidential classification. Revised Exhibit D contains the affidavits of Steven Scroggs and Bruce Beisler.

4. The information identified in FPL's Revised Exhibit C continues to be proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. Section 366.093, Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that disclosure of the information would cause harm to the company's business operations or its customers, and has not been disclosed publicly. The confidential information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. 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 Revised Exhibit D indicate, the information provided by FPL contains or constitutes bids and contractual vendor data, such as pricing and other terms, the public disclosure of which would violate non-disclosure provisions of FPL's contracts and impair the efforts of FPL to contract for goods and services on favorable terms in the future. This information is protected from public disclosure pursuant to Section 366.093(3)(d), Florida Statutes. Additionally, this information is competitively sensitive, and its disclosure would impair the competitive interests of FPL or its vendors. Such information is protected from public disclosure pursuant to Section 366.093(3)(e), Florida Statutes.

6. Nothing has changed since the issuance of Order No. PSC-09-0495-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate.

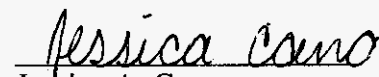
7. Upon a finding by the Commission that the information described herein and identified on Revised Exhibit C is proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Jessica A. Cano  
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Telephone: (561) 304-5675  
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By:

  
Jessica A. Cano  
Fla. Bar. No. 0037372

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 100009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's First Request for Extension of Confidential Classification was served by U.S. Mail this 5th day of January, 2011 to the following:

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By:

          Jessica Cano            
Jessica A. Cano

**Revised Exhibit C  
 Florida Power and Light Company  
 List of Confidential Documents - Staff's Second Request for Production of  
 Documents (Nos. 2 & 3), Docket No. 090009-EI**

<b>Item</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf Y/N</b>	<b>Line No./Col. No.</b>	<b>Florida Statue 366.093 (3) Subsection</b>	<b>Affiant</b>
1	Dashboard Reports January 2008 – February 2009 (POD #2)	14	Y	Page 1 Columns 3-4, Lines 2-7, 9, 11-14, Page 2 Columns 2-4, Lines 2-7, 9, 11-14, Pages 3-4 Columns 2-4, Lines 2-8, 11-14, Pages 5 – 11 Columns 2-4, Lines 2-9, 11-14, Page 12 Columns 2-4, Lines 2-9, 11-13, Page 13 Columns 2-4, Lines 2-9, 11-13, Page 14 Columns 2-4, Lines 2-9, 11-14	(d), (e)	Steven D. Scroggs
2	Deviation Logs (POD #3)	3	Y	Page 1 Columns 4-7, Page 2 Columns 9-11, Page 3 Columns 9-11	(d), (e)	Bruce Beisler

DOCUMENT NUMBER-DATE

00084 JAN-5 = 1

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**REVISED EXHIBIT D**

DOCUMENT NUMBER-CATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 100009-EI

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

AFFIDAVIT OF STEVEN D. SCROGGS

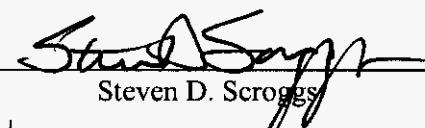
BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this affidavit.

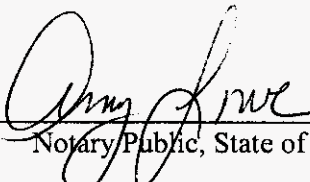
2. I have reviewed the documents that are the subject of FPL's First Request for Extension of Confidential Classification, concerning information provided in response to Staff's Second Request for Production of Documents Nos. 2 and 3 in Docket No. 090009-EI, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information concerning bids or other contractual data and information related to competitive interests. Disclosure of this information would violate FPL's contracts with its vendors, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendors and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-09-0495-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. 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.

4. Affiant says nothing further.

  
\_\_\_\_\_  
Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 17<sup>th</sup> day of December, by Steven D. Scroggs, 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:



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 100009-EI

STATE OF FLORIDA )  
PALM BEACH COUNTY )

AFFIDAVIT OF BRUCE BEISLER

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

1. My name is Bruce Beisler. I am currently employed by Florida Power & Light Company ("FPL") as Project Manager, Nuclear. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents that are the subject of FPL's First Request for Extension of Confidential Classification, concerning information provided in response to Staff's Second Request for Production of Documents Nos. 2 and 3 in Docket No. 090009-EI, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information concerning bids or other contractual data and information related to competitive interests. Disclosure of this information would violate FPL's contract with its vendors, work to the detriment of FPL's competitive interests, and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-09-0495-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. 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.

4. Affiant says nothing further.

*Bruce Beisler*

Bruce Beisler

SWORN TO AND SUBSCRIBED before me this 4<sup>th</sup> day of January, 2011 by Bruce Beisler, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

*Jo Retha Forbes*  
Notary Public, State of Florida

My Commission Expires:



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