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April 22, 2011

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**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  
 filed by OPC

Re: Docket No. 110007-EG

For DN 02779-11, which  
 is in locked storage. You must be  
 authorized to view this DN.-CLK

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Second Request for Extension of Confidential Classification regarding confidential information provided pursuant to Audit No. 07-071-4-1. The original includes Revised Exhibit A, Second Revised Exhibit B, Second Revised Exhibit C and Second Revised Exhibit D. The seven (7) copies do not include the exhibits. A compact disc with FPL's Request and Exhibit C in Word format is also included.

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

Sincerely,  
  
 Scott A. Goorland

COM   
 APA   
 ECR  3+  
 GCL   
 RAD   
 SSC   
 ADM   
 OPC   
 CLK

Enclosures  
 cc: Parties of record (w/exhibits)  
*containing Request and Exhibit C.*

DOCUMENT NUMBER- DATE  
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 FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental Cost )  
Recovery Clause )

Docket No. 110007-EI  
Filed: April 22, 2011

**FLORIDA POWER & LIGHT COMPANY'S  
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 07-071-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its Second Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("Commission") staff ("Staff") in connection with the Audit No. 07-071-4-1 (the "Audit"). In support of this Second Request for Extension of Confidential Classification, FPL states as follows:

1. On August 7, 2007, FPL filed a Request for Confidential Classification of certain materials obtained during the Audit. FPL adopts and incorporates by reference the August 7, 2007 Request, including Exhibits A, B, C and D thereto.
2. By Order No. PSC-07-0770-CFO-EI, dated September 20, 2007, the Commission granted FPL's August 7, 2007 Request.
3. On March 20, 2009, FPL filed its First Request for Extension of Confidential Classification ("March 20, 2009 Request"), along with Revised Exhibits B, C and D. By Order No. PSC-09-0707-CFO-EI, dated October 23, 2009, the Commission granted FPL's March 20, 2009 Request.
4. The period of confidential treatment granted by Order No. PSC-09-0707-CFO-EI will soon expire. Some of the information that was the subject of FPL's March 20, 2009 Request warrants continued treatment as proprietary and confidential business information within the

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meaning of Section 366.093(3), F.S. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

5. Included herewith and made a part hereof are Second Revised Exhibits B, C and D. Additionally, a Revised Exhibit A is attached hereto.

6. As noted above, FPL has determined that only some of the information which was confidential at the time of the March 20, 2009 request warrants continued confidential treatment. Revised Exhibit A is intended to replace Exhibit A filed with FPL's August 7, 2007 Request and Second Revised Exhibit B is intended to replace Revised Exhibit B which was filed with FPL's March 20, 2009 Request, in their entirety. Second Revised Exhibits C and D are intended to replace Revised Exhibits C and D, which were filed with FPL's March 20, 2009. Second Revised Exhibit D contains the affidavits of Roger Messer and Damaris Rodriguez.

7. FPL has identified all of the information in the working papers that warrants continued confidential treatment in Second Revised Exhibit C. Second Revised Exhibit C contains a table identifying the specific pages, and line(s) or column(s) that remain confidential. The table also provides references to the specific statutory basis or bases for the claim of confidentiality, and to the affidavits in support of the requested classification.

8. FPL submits that the information identified in Second Revised Exhibit C continues to be proprietary and confidential business information within the meaning of Section 366.093(3), F.S. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., such materials are entitled to confidential treatment and are 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.

9. As the affidavit of Damaris Rodriguez indicates, the information that FPL asserts is proprietary and confidential business information includes customer specific account information. It is FPL's policy not to disclose customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. The 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's policy is premised upon customers' right to privacy and the potential that disclosure of customer specific information may harm some customers' competitive interests. This information is protected pursuant to Section 366.093(3)(e), F.S.

10. As the affidavit of Roger Messer indicates, the information that FPL asserts is proprietary and confidential business information also includes contractual data, such as pricing and other terms, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms in the future, and information related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Such information is protected from disclosure by Sections 366.093(3)(d) and (e), F.S.

11. Nothing has occurred since the issuance of Order No. PSC-09-0707-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate.

12. Upon a finding by the Commission that the Confidential Information remains 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), F.S.

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

Respectfully submitted,

John T. Butler  
Managing Attorney  
Scott A. Goorland  
Principal Attorney  
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700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5633  
Facsimile: (561) 691-7135

By:



Scott A. Goorland  
Florida Bar No. 0066834

**CERTIFICATE OF SERVICE**

**Docket No. 110007-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Second Extension for Request of Confidential Information, without attachments, has been furnished by hand delivery\* or U.S. mail this 22<sup>nd</sup> day of April, 2011 to the following:

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By:   
Scott A. Goorland

State of Florida



## Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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700 Universe Blvd  
Juno Beach FL 33408

**Re: Acknowledgement of Confidential Filing in Docket No. 110007-EI**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on April 22, 2011, in the above-referenced docket.

Document Number 02779-11 has been assigned to this filing, which 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.