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COMMISSION
CLERK

June 28, 2011

-VIA HAND DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC
For DN 04454-11, which
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Re: Docket No. 110099-EU
In re: Joint Petition for Approval of Territorial Agreement Between
Florida Power & Light Company, a Florida Corporation, and City of
Starke, Florida, a municipal corporation

Dear Ms. Cole:

Enclosed for filing please find the original and seven (7) copies of FPL's Request for Confidential Classification of Attachment A to FPL and the City of Starke's ("Starke's") Joint Responses to Staff's First Data Request in this docket. The original includes Attachments A, B, C, and D. Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A"- CONFIDENTIAL. Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been redacted. Attachment C contains FPL's justification for its request for confidential classification. Attachment D includes FPL and Starke's affidavits in support of FPL's Request for Confidential Classification. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Please contact me if you have any questions regarding this filing

Sincerely,

Scott A. Goorland

- COM
- APA
- ECR 1
- GCD 5
- RAD
- SSC
- ADM
- OPC cc: Parties of Record
- OPK 1

Enclosure

cc: Parties of Record

DOCUMENT NUMBER-DATE

04453 JUN 28 =

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition for Approval)
Of Territorial Agreement Between)
Florida Power & Light Company,)
a Florida corporation, and)
City of Starke, Florida,)
a municipal corporation)
_____)

Docket No. 110099-EU

Filed: June 28, 2011

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits this Request for Confidential Classification of Attachment 2 to FPL and the City of Starke's ("Starke's") Joint Responses to Staff's First Data Request in this docket, and in support states:

1. On June 7, 2011, FPL and Starke submitted Joint Responses to Staff's First Data Request. Attachment 2 to the Joint Responses contains confidential customer information for customers of FPL and Starke. On June 7, 2011, FPL filed a Notice of Intent to request confidential classification of this information. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification.

2. The following attachments are included with, and made a part of, this request:

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

b) Attachment 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) Attachment 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

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04453 JUN 28 =

FPSC-COMMISSION CLERK

to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d) Attachment D consists of the affidavits of David T. Bromley of FPL and Ricky Thompson of Starke in support of this request.

4. FPL submits that the highlighted information in Attachment A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL and Starke as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

5. As indicated in Mr. Bromley's affidavit that is included in Attachment 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.


6. As further indicated in Mr. Thompson's affidavit that is included in Attachment D, the information that FPL asserts is proprietary and confidential business information, on behalf of Starke, is Starke customer-specific account information. Starke has a 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. Starke 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. Starke's policy is based upon the customer's right to privacy and the potential that the disclosure of the customer specific information may harm some customers' competitive interests. Such information is protected from public disclosure pursuant to 366.093(3)(e), Florida Statutes.

7. Upon a finding by the Commission that the information provided in Attachment A, and referenced in Attachments B, C and D is proprietary confidential business information, the information 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 S.366.093(4), F.S.*

WHEREFORE, FPL respectfully requests confidential classification of the material described herein.

Respectfully submitted this 28th day of June, 2011.

R. Wade Litchfield
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By: 
Scott A. Goorland
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CERTIFICATE OF SERVICE

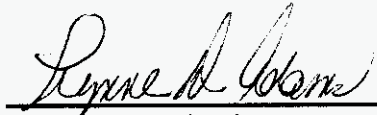
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 28th day of June, 2011, to the following:

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