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COMMISSION  
CLERK

July 15, 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

**Re: Docket No. 100458-EI**

For DN 04900-11, which  
is in locked storage. You must be  
authorized to view this DN.-CLK

Dear Ms. Cole:

Enclosed for filing in the above described docket please find the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification concerning certain FPL responses to Staff's Second Data Request. The original includes Exhibits A through D.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "**EXHIBIT A**"-CONFIDENTIAL. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in EXHIBIT A pending disposition of FPL's Request for Confidential Classification. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C is FPL's justification table for its confidentiality request. Exhibit D contains the affidavit of Solomon L. Stamm in support of FPL's confidentiality request.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit "C". The operating system is Windows XP, and the processing software is Word.

- COM
- APA
- ECR**
- GCL
- RAJ
- SSC
- ADM
- OPC
- CLK

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

*5 files containing request and exhibit C.*

Sincerely,

Scott A. Goorland

Enclosures

cc: Counsel for Parties of Record (w/o exhibits)

DOCUMENT NUMBER-DATE

04905 JUL 15 =

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Florida Power & Light ) Docket No: 100458-EI  
Company for Approval of its 2010 Nuclear )  
Decommissioning Study ) Filed: July 15, 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 material provided to the Staff of the Florida Public Service Commission ("Staff") in response to Staff's Second Data Request No 1 concerning Florida Power & Light's 2010 Decommissioning Study, and in support states:

1. On June 24, 2011, FPL submitted responses to Staff's Second Data Request concerning Florida Power & Light's 2010 Decommissioning Study. FPL's response to Staff's Second Data Requests No. 1 contains confidential information, and was submitted with a Notice of Intent to Request Confidential Classification. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification.

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

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.

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

DOCUMENT NUMBER-DATE

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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) Exhibit D consists of the affidavit of Solomon L. Stamm in support of this request.

4. FPL submits that the highlighted information in Exhibit 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. Stamm's affidavit that is included in Exhibit D, the information that FPL asserts is proprietary and confidential business information contains competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. Specifically, the documents or materials contain information relating to the Settlement Agreement between FPL and the Department of Energy (DOE) for reimbursement of spent fuel costs incurred for the DOE's delay in performance. Disclosure of this information would also impair the efforts of FPL to contract for goods or services on favorable terms in the future, to the detriment of FPL and its customers. Such information is protected from public disclosure pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

6. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits 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 15th day of July, 2011.


R. Wade Litchfield  
Vice President and General Counsel  
John Butler, Managing Attorney  
Scott A. Goorland, Principal Attorney  
Attorneys for Florida Power & Light Company  
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By:   
\_\_\_\_\_  
Scott A. Goorland  
Florida Bar No. 0066834

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by hand delivery this 15th day of July, 2011, to the following:

Caroline Klancke  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

  
\_\_\_\_\_  
Scott A. Goorland