

**Shawna Senko**

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**From:** Moncada, Maria <Maria.Moncada@fpl.com>  
**Sent:** Thursday, October 24, 2013 9:38 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** Electronic Filing / Dkts 080677-EI and 090130-EI/ FPL's First Request for Extension of Confidential Classification (ACN 09-110-4-1)  
**Attachments:** Dckt 080677 - FPL's First Request for Extension of Confidential Classification.pdf

Electronic Filing (This filing replaces the document by the same title that was recently filed but not yet posted)

a. Person responsible for this electronic filing:

Maria Jose Moncada, Esq.  
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b. Docket Nos. 080677-EI and 090130-EI  
In re: Petition for rate increase by Florida Power & Light Company  
In re: 2009 depreciation and dismantlement study by Florida Power & Light Company

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 pages

e. The document attached for electronic filing is Florida Power & Light Company's First Request for Extension of Confidential Classification of Materials pertaining to Audit Control No. 09-110-4-1.

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**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
	Date: October 24, 2013

**FLORIDA POWER AND LIGHT COMPANY'S FIRST  
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 09-110-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests its first extension of confidential classification of certain material provided to the Staff of the Florida Public Service Commission in connection with Audit Control No. 09-110-4-1 (the "Confidential Information") in this docket. In support of its Request, FPL states as follows:

1. On July 30, 2009, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D. On November 24, 2009, in response to Staff inquiries, FPL filed revisions to certain pages of Exhibits A and B, and filed Revised Exhibits C and D. By Order No. PSC-12-0188-CFO-EI, issued April 10, 2012, the Commission granted FPL's Request ("Order 0188"). FPL incorporates by reference Order 0188 and the exhibits filed on July 30, 2009 and November 29, 2009.

2. The period of confidential treatment granted by Order 0188 will soon expire. The Confidential Information that was the subject of Order 0188 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its first request for extension of confidential classification.

3. FPL adopts and incorporates herein the confidential designations in Exhibits A, B and C to the July 30, 2009 Request, including the revisions filed on November 29, 2009. FPL

will file under separate cover an updated Exhibit D, which will consist of affidavits in support of this Request.

4. The Confidential Information continues to be treated by FPL as proprietary and confidential business information, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, 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.

5. Some of the information contained in the confidential documents provided by FPL contains information relating to trade secrets. Such information is protected by section 366.093(3)(a), Florida Statutes. Additionally, some information provided by FPL relates to internal auditing controls and reports of internal auditors. Such information is protected by section 366.093(3)(b), Florida Statutes.

6. Certain documents provided by FPL include information relating to security measures, systems, or procedures. This information includes, but is not limited to, auditors' notes describing various FPL security features at FPL facilities. Such information is protected by section 366.0093(3)(c), Florida Statutes. The documents provided by FPL also include information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods and services on favorable terms in the future. Such information is protected by section 366.093(3)(d), Florida Statutes. Specifically, the information provided by FPL, includes, but is not limited to, negotiated contractual terms and conditions,

pricing, and obligations, which if disclosed, would impair FPL's ability to contract for certain goods and services on favorable terms in the future.

7. The documents provided by FPL also include information that is competitively sensitive, such as specific terms for the purchase and sale of goods and services. Disclosure of this information would impair the competitive interests of FPL or its vendors and result in increased costs to customers. In addition, some documents contain include information regarding employee compensation. Public disclosure of compensation information would enable competing employers to meet or beat the compensation offered by FPL, resulting in the loss of talented employees, or conversely, the need to increase the level of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost of service implications would be detrimental to FPL and its customers. Additionally, this information is private to the employees identified, and disclosure would violate their personal rights of privacy. Such information is protected by section 366.093(3)(e), Florida Statutes.

8. Certain information provided by FPL also includes information concerning employee personnel information that is unrelated to compensation, duties, qualifications, or responsibilities. This information is protected by section 366.093(3)(f), Florida Statutes.

9. 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), Fla. Stat.

**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 First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler  
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By: /s/ Maria J. Moncada  
Maria J. Moncada  
Florida Bar No. 0773301

**CERTIFICATE OF SERVICE**

Docket 080677-EI

**I HEREBY CERTIFY** that a true and correct copy of the foregoing First Request for Extension of Confidential Classification\* has been furnished by electronic mail and U.S Mail on October 24, 2009, to the following:

Keino Young, Esquire  
kyoung@psc.state.fl.us  
Kathryn Cowdery, Esquire  
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Florida Public Service Commission  
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Tallahassee, FL 32399-1400

By: /s/ Maria J. Moncada  
Maria J. Moncada

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.