



Carla G. Pettus
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May 1, 2009

-VIA HAND DELIVERY -

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
09 MAY - 1 PM 4: 09
COMMISSION
CLERK

**Re: Docket No. 090002-EG
Energy Conservation Cost Recovery Clause**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Petition for Approval of the Energy Conservation Cost Recovery True-Up for the Period January 2008 Through December 2008 and FPL's Request for Confidential Classification of Confidential Information Required to be filed as Part of the of the True-Up Filing, together with a CD containing the electronic version of same.

Also enclosed for filing are the original and fifteen (15) copies of the Testimony and Exhibits of Leonor M. Herrera.

If there are any questions regarding this transmittal, please contact me at 561-691-7207

COM _____
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GPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK 1

Sincerely,

Carla G. Pettus

Enclosures
cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Energy Conservation Cost)
Recovery Clause)
_____)

Docket No. 090002-EG

Filed: May 1, 2009

FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING CONFIDENTIAL INFORMATION REQUIRED TO BE FILED AS PART OF TRUE-UP FILING

Pursuant to Florida Administrative Code Rule 25-22.006 and Section 366.093, Florida Statutes, Florida Power & Light Company ("FPL") requests confidential classification of portions of Schedule CT-6 to Exhibit LMH-1 filed this day with the Commission in Docket No. 090002-EG. FPL further requests that if Schedule CT-6 to Exhibit LMH-1 is admitted into the record in this proceeding, that the Commission determine that FPL has shown good cause to maintain confidential classification for the confidential information in Schedule CT-6 for a period of thirty-six months. As grounds for this request, FPL states:

1. FPL is filing in its true-up filing cost-effectiveness runs performed for specific customers who qualified for incentives under FPL's Commercial/Industrial Business Custom Incentives ("C/I BCI") Program. This is included as part of Schedule CT-6 of Exhibit LMH- 1, the exhibit attached to the Testimony of FPL witness Leonor M. Herrera. This inclusion of customer specific cost-effectiveness runs in FPL's ECCR true-up filing is consistent with the requirements of Order No. PSC-93-0472-FOF-EG.

2. Part of the information FPL has been required to file in Schedule CT-6 to Exhibit LMH-1 to comply with Rule 25-17.015(5) is confidential. This Request for Confidential Classification seeks (a) a Commission determination that certain information identified by FPL in Schedule CT-6 to Exhibit LMH-1 should be classified as confidential information and (b) the

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continued confidential classification of the information for thirty-six months if it is included in the record.

Justification of Confidential Classification

3. The information in Schedule CT-6 to Exhibit LMH-1 for which FPL seeks confidential classification is customer-specific information. FPL has a corporate policy not to disclose or release customer-specific information without the consent of the customer. The FPL customers referred to in this information have not consented to the release of its customer-specific information. In addition, much of the information for which FPL seeks confidential classification is confidential and proprietary to the customers, the release of which would harm the customers' business operations. This information may, in some instances, constitute trade secrets to the customers, and is certainly information relating to the customers' competitive interests, the disclosure of which would impair the competitive business of the customers.

Information of this nature is proprietary confidential business information within the meaning of Section 366.093(3)(e), Florida Statutes. The Commission has previously determined that the type of information for which FPL seeks protection is proprietary confidential business information. *See, e.g.*, Order Nos. PSC-06-834-CFO-EG7 PSC-03-1198-CFO-EG7 PSC-00-0628-CFO-EG.

4. To satisfy the requirements of Rule 25-17.006, FPL has prepared four Attachments to this request. Attachment A is a copy of Schedule CT-6 to Exhibit LMH-1 which has all the confidential information highlighted. Attachment B is a copy of Schedule CT-6 to Exhibit LMH- 1 with the confidential information redacted. Attachment C is a line-by-line justification of the confidential status of the confidential information in Schedule CT-6 to Exhibit LMH-1. Attachment D is the affidavit of Leonor M. Herrera explaining why the information

FPL seeks to prevent from disclosure is confidential. Only the original copy of this request includes Attachments A-D. The remaining copies served upon the Commission and the parties include only Attachment C.

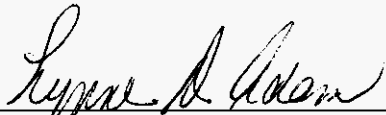
5. The information for which FPL seeks confidential classification shall continue to be confidential after 18 months. It will still be treated by FPL as confidential as a matter of policy, and the information regarding customers' electrical usage and electrical equipment will continue to be competitive information the disclosure of which may injure the customers' competitive interests even after 18 months. Therefore, FPL, requests that the Commission rule, as permitted by Section 366.093, Florida Statutes, that the confidential information in Schedule CT-6 to Exhibit LMH-1 continue to be classified as confidential for a period of thirty-six months from the original confidential classification. At present it is not FPL's intent to offer the confidential portion of Schedule CT-6 to Exhibit LMH-1 into evidence; FPL is filing Schedule CT-6 to satisfy the requirements of Rule 25-17.01 5(4), Florida Administrative Code, and Order No. PSC-93-0472-FOF-EG. If the confidential portion of Schedule CT-6 is not admitted into evidence in this proceeding, FPL asks that the Commission require the return of the confidential portion of Schedule CT-6 to FPL. However, if the confidential information in Schedule CT-6 is introduced into the record in this proceeding, FPL asks that the Commission determine that FPL has demonstrated good cause for the confidential information to continue to be classified as confidential for thirty-six months from the original classification.

WHEREFORE, FPL respectfully moves that the Commission (a) rule that the information identified by FPL as confidential in Schedule CT-6 to Exhibit LMH-1 filed on May 1, 2009, be given confidential classification by the Commission and be exempt from disclosure, and (b) that the confidential information in Schedule CT-6 be returned to FPL after the close of

this proceeding if not admitted into the record, and if Schedule CT-6 is admitted into the record in this proceeding, that FPL has shown good cause for the confidential information in Schedule CT-6 to continue to be classified as confidential for thirty-six months from the original classification.

Respectfully submitted,

Wade Litchfield
Vice President and Chief Regulatory Counsel
Bryan Anderson
Managing Attorney
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(561) 691- 7207 Telephone
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By: 
Carla G. Pettus
Florida Bar No. 53011
Admitted: MD + DC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery mail (*) or mail this 1st day of May, 2009 to the following:

Katherine Fleming*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Office of Public Counsel
J. R. Kelly, Esq.
Patricia Ann Christensen, Esq.
Charlie Beck, Esq.
c/o The Florida Legislature
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Tallahassee, FL 32399-1400

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West Palm Beach, FL 33402-3395

Florida Industrial Power Users Group
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c/o McWhirter Law Firm
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Tampa, FL 33602

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Tallahassee, FL 32302

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Pensacola, FL 32520-0780

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Tampa, FL 33601-0111

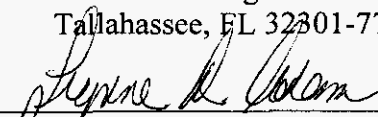
Messer Law Firm
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Tallahassee, FL 32317

Keefe Law Firm
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118 North Gadsen Street
Tallahassee, FL 32301

Progress Energy Service Company, LLC
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St. Petersburg, FL 33733-4042

Progress Energy Florida, Inc.
Mr. Paul Lewis, Jr.
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Tallahassee, FL 32301-7740

By: _____


Carla G. Pettus

COMMISSIONERS:
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NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: May 1, 2009

TO: Carla G. Pettus, Esquire/FPL

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090002-EG [DN 04139-09] or, if filed in an undocketed matter, concerning portions of Schedule CT-6 to Exh LMH-1 of testimony of Leonor M. Herrera, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite McLean, Deputy Clerk, at (850) 413-6770.

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