

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition to Determine Need for FPL
Florida EnergySecure Pipeline

DOCKET NO. 090172-EI

FILED: May 21, 2009

COMMISSION
CLERK

09 MAY 21 PM 3:00

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

Florida Power & Light Company (FPL), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification of certain information provided in Response to Staff's Fifth Set of Interrogatories to FPL (Question No. 91). In support of this Request, FPL states:

1. Contemporaneously with this Request, FPL is serving its Responses to Staff's Fifth Set of Interrogatories (Nos. 91-95). As explained below, certain information provided in Response to Interrogatory No. 91 is "proprietary business information" under Section 366.093, F.S. Specifically, the redacted information from Line 1 of FPL's Response to Interrogatory No. 91 includes the transportation rate in FPL's transportation agreement with Florida Gas Transmission, LLC (FGT) for Phase VIII.

2. The following exhibits are included with this request:

a. Exhibit A is a table which identifies the information for which FPL seeks confidential classification and the specific basis for seeking confidential treatment;

b. Exhibit B is a package containing two copies of a redacted version of the

COM _____
ECR 2 document for which FPL requests confidential classification. The specific information for which
GCL 1 confidential treatment is requested has been blocked out by opaque marker or other means;

OPC _____
RCP _____
SSC _____
SGA 3
ADM _____
CLK 1

DOCUMENT NUMBER-DATE

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c. Exhibit C is a package containing an unredacted copy of the document for which FPL seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow; and

d. Exhibit D is an affidavit of Heather C. Stubblefield.

3. The information identified on Exhibit "A," and redacted from Line 1 of FPL's Response to Staff's Interrogatory No. 91, includes contractual data consisting of the transportation rate in FPL's transportation agreement with FGT for FGT's Phase VIII project. The information is "contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." § 366.093(3)(d), F.S. Disclosure of the transportation rate contained in the agreement between FPL and FGT would provide other potential natural gas transportation providers with knowledge of rates that FPL has negotiated. This knowledge would give potential providers significant competitive advantage in future negotiations because they would no longer need to make their best efforts to ensure the competitiveness of their rates. This would compromise FPL's efforts to obtain competitive transportation rates that provide economic value to FPL and its ratepayers. Furthermore, without assurances that the confidential terms of contracts will not be publicly disclosed, potential providers may be unwilling to contract with FPL. In either case, FPL's efforts to contract for goods and services on favorable terms would be impaired by disclosure of the information. *See* § 366.093(3)(d), F.S. In addition, the disclosure of the information identified in Exhibit "A" relates to the competitive interests of FPL and FGT, the disclosure of which would impair their competitive businesses. *See* § 366.093(3)(e), F.S. Accordingly, the

information is entitled to confidential classification pursuant to Section 366.093(d) and (e), Florida Statutes.

4. The information for which FPL seeks confidential treatment is intended to be and is treated as confidential by FPL. The information has not been disclosed to the public.

5. FPL requests that the information identified above be classified as “proprietary confidential business information” within the meaning of section 366.093(3), Florida Statutes; that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), Florida Statutes; and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted this 21st day of May, 2009.

R. Wade Litchfield, Vice President and
Associate General Counsel
John T. Butler, Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5253
Facsimile: (561) 691-7135

and

HOPPING GREEN & SAMS, P.A.

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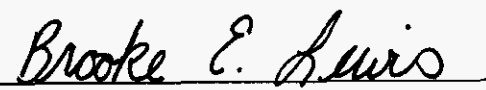
CERTIFICATE OF SERVICE

Docket No. 090172-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States mail this 21st day of May, 2009, to the following:

Martha Carter Brown
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
MBrown@PSC.STATE.FL.US

Floyd R. Self
Messer Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308
fself@lawfla.



Attorney

EXHIBIT A
JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION

| DOCUMENT | PAGE NO(S). | LINE NO. | STATUTORY JUSTIFICATION |
|---|--------------------|-----------------|-----------------------------------|
| FPL's Response to Staff's Fifth Set of Interrogatories No. 91 | 1 | 1 | § 366.093(3)(d) & (e), Fla. Stat. |

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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STATE OF FLORIDA)
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared Heather C. Stubblefield who, being first duly sworn deposes and says:

1. My name is Heather C. Stubblefield. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Project Development in the Energy Marketing and Trading Business Unit. I have personal knowledge of the matters stated in this affidavit.
2. I have reviewed the documents and information included in Exhibit C to FPL's Request for Confidential Classification. The documents and materials in Exhibit C which are asserted by FPL to be proprietary confidential business information are comprised of information concerning contractual data, the disclosure of which would impair the efforts of FPL to contract for good and services on favorable terms. This information is also related to competitive interests, and its disclosure would impair the competitive business of the provider of the information.
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

Affiant says nothing further.

Heather C. Stubblefield
Heather C. Stubblefield

SWORN TO AND SUBSCRIBED before me this 20th day of May, 2009, by Heather C. Stubblefield who is personally known to me or who has produced (personally known) (type of identification) as identification and who had taken an oath.

Maritza Miranda-Wise

My Commission Expires:



STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: May 21, 2009

TO: Gary Perko, Brooke E. Lewis, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090172 or, if filed in an undocketed matter, concerning certain information provided in response to staff's 5th set of Interrogatories to FPL (Question No. 91), 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 Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE
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