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May 28, 2009

VIA HAND DELIVERY

Ms. Ann Cole
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

RECEIVED-FPSC
09 MAY 28 PM 1:18
COMMISSION
CLERK

Re: Docket No. 090001-EI; Florida Power & Light's Second Request for
Extension of Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Second Request for Extension of Confidential Classification regarding confidential information provided pursuant to Audit No. 05-028-4-1. The original includes a Revised Exhibit C and Revised Exhibit D. The seven (7) copies do not include the exhibits. A compact disc with FPL's Request and Exhibit C in Word format is also included.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

Jessica Cano
Jessica A. Cano

COM _____
BCE _____
CCX 1+CD
DCL _____ Enclosures
JCY 5 cc: service list w/out exhibits
LSC _____
SCL _____
ADM _____
CLK 1

DOCUMENT NUMBER-DATE

05299 MAY 28 09

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost)
Recovery Clause with Generating)
Performance Incentive Factor)

Docket No. 090001-EI

Filed: May 28, 2009

SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 05-028-4-1

NOW BEFORE THIS COMMISSION, through the undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby submits its Second Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Audit No. 05-028-4-1 (the "Audit"). In support of this Second Request for Extension of Confidential Classification, FPL states as follows:

1. On January 31, 2007, FPL filed its First Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A through D, and also included revised Exhibits C and D. FPL adopts and incorporates by reference its January 31, 2007 Request and exhibits.

2. By Order No. PSC-07-0946-CFO-EI, dated November 28, 2007, the Commission granted FPL's January 31, 2007 Request.

3. The period of confidential treatment granted by Order No. PSC-07-0946-CFO-EI will soon expire. All of the information that was the subject of FPL's January 31, 2007 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

4. Included herewith and made a part hereof is a Revised Exhibit C to reflect certain new affiants in support of the continued confidential classification of the confidential documents. Also included is a Revised Exhibit D which contains the affidavits of Robert Onsgard, Damaris Rodriguez, Gerard J. Yupp and Robert Birch.

5. FPL submits that the information identified in Revised Exhibit C continues to be proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. 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.

6. As the affidavits provided herewith indicate, the information that FPL asserts is proprietary and confidential business information includes internal auditing controls and reports of internal auditors. This information is protected from public disclosure pursuant to section 366.093(3)(b), Florida Statutes. Certain information also concerns bids or other contractual data (protected by section 366.093(3)(d)), and competitive interests, the disclosure of which would impair the competitive business of the provider of the information (protected by section 366.093(3)(e)). Finally, some of the information is customer-specific account information. It is FPL's policy not to disclose customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. 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'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. This information is protected pursuant to section 366.093(3)(e), Florida Statutes.

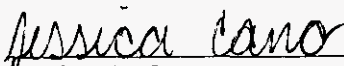
7. FPL requests that this information be accorded continued confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. See § 366.093(4), Fla. Stat.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By:


Jessica A. Cano
Florida Bar No. 0037372

CERTIFICATE OF SERVICE
DOCKET NO. 090001-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Second Request for Extension of Confidential Classification (without exhibits) was served via hand delivery* and/or by U.S. mail this 28th day of May, 2009 to the following:

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By: Jessica Cano
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