



Jessica Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
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August 10, 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 AUG 10 PM 4:19  
COMMISSION  
CLERK

Re: Docket No. 090009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its Request for Confidential Classification of Exhibit SDS-5 to the rebuttal testimony of Steven Scroggs. The original includes Exhibit A through D. The seven (7) copies only include exhibit C.

Exhibit A consists of the confidential documents, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification table for its Request for Confidential Classification. Exhibit D consists of the affidavit of Steven Scroggs in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

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

Sincerely,  
*Jessica Cano*  
Jessica A. Cano

- COM \_\_\_\_\_
- ECR** \_\_\_\_\_
- GCL I + CD
- OPC \_\_\_\_\_
- RCP \_\_\_\_\_
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK I

Enclosures  
cc: Parties of Record (w/out exhibits)

DOCUMENT NUMBER-DATE

08271 AUG 10 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant            )  
Cost Recovery Clause                    )

Docket No. 090009-EI  
Filed: August 10, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
EXHIBIT SDS-5 TO THE REBUTTAL TESTIMONY OF STEVEN SCROGGS**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of Exhibit SDS-5 to the rebuttal testimony of Steven D. Scroggs. In support of its request, FPL states as follows:

1. FPL is filing on this date the rebuttal testimony and exhibits of Steven Scroggs, along with the rebuttal testimony and exhibits of four other witnesses in this docket. Exhibit SDS-5 to the rebuttal testimony of witness Scroggs contains proprietary, confidential business information. Accordingly, FPL is filing this Request for Confidential Classification of Exhibit SDS-5.

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

a. Exhibit A consists 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 two copies 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 an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D includes the affidavits of Steven Scroggs.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

3. 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 as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and it is 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.

4. As the affidavit included in Exhibit D indicates, the information in Exhibit SDS-5 is contractual data, the public disclosure of which would violate the nondisclosure terms of FPL's contract with its vendor and impair FPL's ability to contract for goods or services on favorable terms in the future. This information is also competitively sensitive in nature, and if disclosed, could harm the competitive business of the provider of the information. Such information is protected by Sections 366.093(3)(d) and (e), Florida Statutes.

5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, 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* § 366.093(4), Fla. Stat.

**WHEREFORE**, for all the foregoing reasons, FPL respectfully requests confidential classification of the material described herein.

Respectfully submitted,

Jessica A. Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By: Jessica Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE  
DOCKET NO. 090009-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification, without exhibits, was served by hand delivery\* or U.S. Mail this 10th day of August, 2009 to the following:

Keino Young, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.  
Joseph McGlothlin, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

J. Michael Walls, Esq.  
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Carlton Fields Law Firm  
P.O. Box 3239  
Tampa, Florida 33601-3239

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Company, LLC  
P.O. Box 14042  
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Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007-5201

By:

  
Jessica A. Cano  
Fla. Bar No. 0037372

# Exhibit C

## Exhibit C

Florida Power and Light Company

Title: Rebuttal Exhibit of FPL Witness Scroggs (SDS-5)

Re: Docket No. 090009 EI

<b>Work Paper no.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf. Y/N</b>	<b>Line No./Col. No.</b>	<b>Florida Statue 366.093 (3) Subsection</b>	<b>Affiant</b>
SDS-5	BVZ Engineering Services Scope of Work and Associated Costs	7	Y	Pages 1-6 All, Page 7 Lines 4-12	(d), (e)	Steven D. Scroggs

# Exhibit D



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Nuclear Power Plant Cost Recovery )
Clause – Review of Nuclear Controls for Cost Recovery ) DOCKET NO. 090009-EI

STATE OF FLORIDA )
) AFFIDAVIT OF STEVEN D. SCROGGS
PALM BEACH COUNTY )

BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of Information included in my rebuttal testimony Exhibit SDS-5, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed are proprietary confidential business information, containing information concerning bids or other contractual data related to a specific vendor. Disclosure of this information would violate FPL's contract with its vendor, work to the detriment of FPL's competitive interests, and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

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.

4. Affiant says nothing further.

Handwritten signature of Steven D. Scroggs
Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 7th day of August 2009, by Steven D. Scroggs, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

Handwritten signature of Valerie A. Hnasko
Notary Public, State of Florida

My Commission Expires: 5/29/2012



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

STATE OF FLORIDA



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: August 10, 2009

TO: Jessica A. Cano, 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 090009 or, if filed in an undocketed matter, concerning Exhibits SDS-5 to rebuttal testimony of Steven D. Scroggs, 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

08272 AUG 10 08

FPSC-COMMISSION CLERK

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)