

John T. Butler
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Florida Power & Light Company
700 Universe Boulevard
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September 28, 2009

-VIA OVERNIGHT DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
09 SEP 29 PM 12:40
COMMISSION
CLERK

Re: Docket No. 090007-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of the document provided in response to Staff's Eighth Request for Production of Documents No. 43, together with a CD containing the electronic version of same.

Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential information that is the subject of the confidentiality request.

Please note that Exhibit D, affidavit of Kimberly Perron is a copy, the original will be provided under separate cover.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

Samaris Rodriguez for
John T. Butler

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

DOCUMENT NUMBER-DATE
10021 SEP 29 09
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost)
Recovery Clause)

Docket No. 090007-EI
Filed: September 29, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED IN RESPONSE TO STAFF'S
EIGHTH REQUEST FOR PRODUCTION OF DOCUMENTS NO. 43**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of the document provided by FPL in response to Staff's Eighth Request for Production of Documents No. 43 which was served on September 8, 2009 (the "Confidential Document"). In support of its Request, FPL states as follows:

1. FPL served its response to Staff's Eight Request for Production of Documents on Monday, September 28, 2009, for overnight delivery to Staff on September 29, 2009. This request is being filed contemporaneously with the delivery of the response to Staff, in order to request confidential classification of the Confidential Document consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Composite Exhibit A consists of a copy of the Confidential Document on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Composite Exhibit B consists of an edited version of Exhibit A, on which all information in the Confidential Document 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 consists of the affidavit of Kimberly Perron, Nuclear Lead Project Manager.

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 to the best of FPL's knowledge it has not been publicly disclosed. Pursuant to Section 366.093, such information is entitled to confidential treatment and 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 of Ms. Perron indicates, the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3) because it contains detailed estimates of the costs for specific aspects of the St. Lucie Cooling Water System Project, which have yet to be released to the public. The disclosure of this detailed information could impact FPL's ability to receive competitive bids. This information is protected by Section 366.093(3) (d). Disclosure of certain of the information also would place FPL at a competitive disadvantage. Such information is protected by Section 366.093(3) (e).

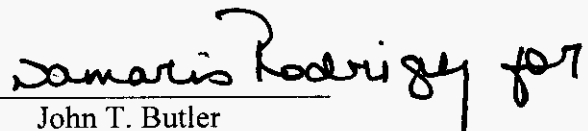
5. Upon a finding by the Commission that the information highlighted in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), the

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).

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Discovery Responses as described herein.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
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Telephone: (561) 304-5639
Facsimile: (561) 691-7135

BY: 
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 090007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Information Responsive to Staff's Eight Request for Production of Documents No. 43 has been furnished by overnight delivery (*) or U.S. Mail on the 28th day of September, 2009, to the following:

Martha Brown, Esq.*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

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Charles Beck, Esq.
Joseph A. McGlothlin, Esq.
Office of Public Counsel
c/o The Florida Legislature
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Captain Shayla L. McNeill
FEA Staff Attorney
139 Barnes Drive
Tyndall AFB, FL 32403-5317

By: 
John T. Butler

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

EXHIBIT A

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: September 29, 2009

TO: John T. Butler, 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 090007 or, if filed in an undocketed matter, concerning documents provided in response to staff's 8th Request for PODs, No. 43, 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.

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

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