



Ilan Kaufer
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 Florida Power & Light Company
 700 Universe Boulevard
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November 8, 2010

VIA HAND DELIVERY

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

RECEIVED FPSC
 10 NOV - 8 PM 3:58
 COMMISSION
 CLERK

claim of confidentiality
 notice of intent
 request for confidentiality extension
 filed by OPC

Re: Docket No. 100001-EI

For DN 10865-08, which
 is in locked storage. You must be
 authorized to view this DN.-CLK

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification of Information Contained in FPL's Exhibit No. 58. The original includes Revised Exhibit C and Revised Exhibit D. Revised Exhibits C and D are intended to replace Exhibits C and D, which were filed with FPL's November 21, 2008 Request for Confidential Classification of certain information contained in FPL's Exhibit No. 58.

Revised Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. Revised Exhibit D contains one affidavit in support of FPL's First Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification and Revised Exhibit C only, in Microsoft Word format.

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

- COM _____
- APA 1
- ECR 3 + CD
- GCL _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK Penal Enclosures

(CD contains request & revised Exh C only)

Sincerely,

 Ilan G. Kaufer
 Attorney for
 Florida Power & Light Company

cc: Counsel of parties of record, w/out exhibits

DOCUMENT NUMBER-DATE
 09228 NOV-8 0
 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. 100001-EI
Filed: November 8, 2010

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF INFORMATION CONTAINED IN FPL'S EXHIBIT NO. 58**

NOW BEFORE THIS COMMISSION, through the undersigned counsel, Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, Florida Administrative Code and Section 366.093, Florida Statutes, hereby submits its First Request for Extension of Confidential Classification of certain information contained in FPL's Exhibit No. 58, which was introduced during the Fuel Clause hearings on November 12, 2008 in docket No. 080001-EI, a predecessor to this docket. In support of this First Request for Extension of Confidential Classification, FPL states as follows:

1. On November 21, 2008, FPL filed its Request for Confidential Classification of information contained in FPL's Exhibit No. 58, along with Exhibits A through D. FPL adopts and incorporates by reference its November 21, 2008 Request and Exhibits.
2. By Order No. PSC-09-0304-CFO-EI, dated May 7, 2009, the Commission granted FPL's November 21, 2008 Request.
3. The period of confidential treatment granted by Order No. PSC-09-0304-CFO-EI will soon expire. All of the information that was the subject of FPL's November 21, 2008 Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits this First Request for Extension of Confidential Classification.

4. Included herewith and made a part hereof is a Revised Exhibit C to reflect that Gene St. Pierre has been added as an affiant in support of the continued confidential classification of the confidential documents. Also included is a Revised Exhibit D, which contains the affidavit of Gene St. Pierre. Revised Exhibits C and D are intended to replace Exhibits C and D, which were filed with FPL's November 21, 2008 Request.

5. FPL submits that the information identified in Revised Exhibit C ("Confidential Information") continues to be proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. 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 affidavit provided herewith indicates, the information that FPL asserts is proprietary and confidential business information relates to FPL's security measures, systems, or procedures. Specifically, the documents include information relating to an independent evaluation of the safety conscious work environment, conducted at the request of the United States Nuclear Regulatory Commission ("NRC"), at FPL's Turkey Point nuclear plant. FPL withholds the information contained in these documents from public disclosure pursuant to the NRC's Confidentiality Rule 10 CFR 2.390. Such information is protected from public disclosure pursuant to section 366.093(3)(c), Florida Statutes.

7. Nothing has changed since the filing of FPL's November 21, 2008 request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

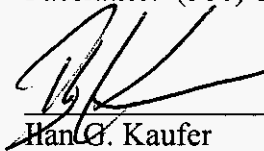
8. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the 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 First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler, Managing Attorney
Scott A. Goorland, Principal Attorney
Ilan G. Kaufer, Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5675
Facsimile: (561) 691-7135

By:



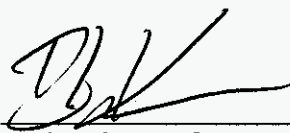
Ilan G. Kaufer
Florida Bar No. 65394

CERTIFICATE OF SERVICE
DOCKET NO. 100001-EI

I HEREBY CERTIFY that a true and correct copy of this Request for Confidential Classification (without exhibits) was served via hand delivery* and/or by U.S. mail this 8th day of November, 2010 to the following:

<p>Lisa Bennett, Esq.* Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 LBENNETT@PSC.STATE.FL.US</p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 Kelly.jr@leg.state.fl.us Christensen.patty@leg.state.fl.us beck.charles@leg.state.fl.us</p>
<p>James D. Beasley, Esq J. Jeffrey Wahlen, Esq. Ausley & McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 jbeasley@ausley.com jwahlen@ausley.com</p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 john.burnett@pgnmail.com</p>
<p>John W. McWhirter, Jr., Esq McWhirter & Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 jmcwhirter@mac-law.com</p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 Beth.keating@akerman.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power 501 Commendencia Street Pensacola, FL 32502 jas@beggslane.com rab@beggslane.com</p>	<p>James W. Brew, Esq Attorney for White Springs Brickfield, Burchette, Ritts & Stone, The P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 jbrew@bbrslaw.com</p>

<p>Robert Scheffel Wright, Esq Jay T. LaVia, III, Esq Young van Assenderp, P.A Attorneys for Florida Retail Federation and City of Marianna 225 South Adams Street, Suite 200 Tallahassee, FL 32301 swright@yvlaw.net jlavia@yvlaw.net</p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq. Keefe, Anchors Gordon & Moyle, P.A. 118 N. Gadsden St. Tallahassee, FL 32301 Co-Counsel for FIPUG vkaufman@kagmlaw.com jmoyle@kagmlaw.com</p>
<p>Cecilia Bradley, Esq. Senior Assistant Attorney General Office of the Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050 cecilia.bradley@myfloridalegal.com</p>	<p>Michael Barrett Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 MBARRETT@PSC.STATE.FL.US</p>
<p>Captain Shayla L. McNeill Attorney for the FEA AFLOA/JACL-ULFSC 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 Shayla.mcneill@tyndall.af.mil</p>	<p>Patrick K. Wiggins, Esq. Attorneys for AFFIRM P.O. Drawer 1657 Tallahassee, FL 32302 wigglaw@gmail.com</p>

By: 

Ilan G. Kaufer
Fla. Bar No. 65394

REVISED EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Work Papers
DOCKET NO. 100001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause and
Generating Performance Incentive Factor
SUBJECT: Exhibit No. 58
DATE: November 8, 2010

Description	Conf. Y/N	Pages	Florida Statute 366.093 (3) Subsection	Affiant
Nuclear Regulatory Commission -- Request for Additional Information	Y	FCR 08-10988 through FCR 08- 10989	(c)	G. St. Pierre
FPL's Response to Request for Additional Information	Y	FCR 08-10990 through FCR 08- 10991	(c)	G. St. Pierre
Talisman Report	Y	FCR 08-10992 through FCR 08- 11030	(c)	G. St. Pierre

REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 100001-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GENE ST. PIERRE

BEFORE ME, the undersigned authority, personally appeared Gene St. Pierre, who, being first duly sworn deposes and says:

1. My name is Gene St. Pierre. I am currently employed by Florida Power & Light Company ("FPL") as Vice President of Fleet Support in the Nuclear Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information included in Exhibit A to FPL's request for Confidential Classification. The information in said documents includes information relating to an independent evaluation of the safety conscious work environment, conducted at the request of the NRC, at FPL's Turkey Point nuclear plant. FPL withholds the information contained in these documents from public disclosure pursuant to the United States Nuclear Regulatory Commission's Confidentiality Rule 10 CFR 2.390. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. No significant changes have occurred to render the information stale or public such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least eighteen (18) months. These materials 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.

Gene St. Pierre

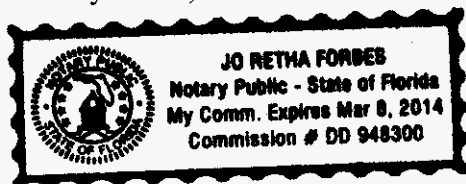
Gene St. Pierre

SWORN TO AND SUBSCRIBED before me this 28th day of October 2010, by Gene St. Pierre, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Jo Retha Forbes

Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER-DATE

09228 NOV-8 09

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