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COMMISSION
CLERK

March 15, 2011

-VIA HAND 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

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

For DN 01695-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110007-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 Certain Information Responsive to Staff's First Set of Interrogatories No.1. The original includes Exhibit A through D.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "EXHIBIT A"- **CONFIDENTIAL**. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's Justification table for its Request for Confidential Classification. Exhibit D contains the affidavit of J.L. Martinez in support of FPL's Request for Confidential Classification. In accordance with Rule 25.22.006(3)(d), FPL requests confidential treatment of information in EXHIBIT A pending disposition of FPL's Request for Confidential Classification.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C. The operating system is windows XP, and the processing software

COM is word.

APA 1

ECR 3+

GCL 1

RAD 1

SSC

ADM

OPC

CLK 1

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

an FPL Group company

Please contact me if you have any questions regarding this filing
containing request and exhibit C, also filed.

Sincerely,

Scott A. Goorland

DOCUMENT NUMBER-DATE

01694 MAR 15 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**IN RE: Environmental Cost)
Recovery Clause)**

**DOCKET NO. 110007-EI
Filed: March 15, 2011**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO STAFF'S FIRST SET OF INTERROGATORIES**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in response to Staff's First Set of Interrogatories, No. 1, (the "Confidential Discovery Response") which was served by Staff on February 11, 2011. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's First Set of Interrogatories on March 14, 2011, for overnight delivery to Staff on March 15, 2011. This request is being filed contemporaneously with the service of the responses to Staff, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

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

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

b. Exhibit B consists of an edited version of Exhibit A 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.

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d. Exhibit D is the affidavit of J.L. Martinez, Senior Director of Project Development.

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 is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

4. As the affidavit included in Exhibit D indicates, the information provided by FPL contains information concerning bids or other contractual data, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms within the meaning of Section 366.093(3)(d). Specifically, the information relates to warranty information for the Solar Energy Centers, including facility life, description of key terms of the warranty obtained and warranty provider(s). Additionally this information relates to competitive interests, the disclosure of which would impair the competitive business of FPL and its counter-party. Such information is protected by Section 366.093(3)(e).

5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D 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 S.366.093(4)*, F.S.

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

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Managing Attorney
Scott A. Goorland, Esq.
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5633
Facsimile: (561) 691-7135

BY: 
Scott A. Goorland
Fla. Bar No. 0066834

CERTIFICATE OF SERVICE
Docket No. 110007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery(*) or United States mail on March 15, 2011 to the following:

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

J. R Kelly, Esq
Patricia Christensen, Esq.
Charles Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 W Madison St. Room 812
Tallahassee, FL 32399-1400

James D. Beasley, Esq.
J. Jeffrey Wahlen, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
501 Commendencia Street
Pensacola, Florida 32502
Allan Jungels, Capt, USAF
Utility Litigation & Negotiation Team
Staff Attorney
AFLOA/JACL-ULT/FLOA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5317
Attorney for the Federal Executive Agencies

Jon C. Moyle, Esq.
Vicki Kaufman, Esq.
Co-Counsel for FIPUG
Keefe, Anchors, Gordon & Moyle, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301
Gary V. Perko, Esq.
Hopping Green & Sams
P.O Box 6526
Tallahassee, FL 32314
Attorneys for Progress Energy Florida

BY: _____

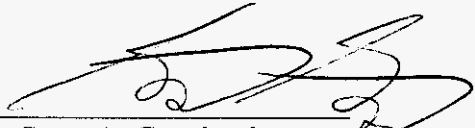

Scott A. Goorland
Fla. Bar No. 0066834

EXHIBIT "A"

**CONFIDENTIAL
FILED UNDER SEPARATE COVER**

EXHIBIT "B" REDACTED

EDITED VERSION

DOCUMENT NUMBER-DATE
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REDACTED

	A	B	C	D	E
1	CONFIDENTIAL				
2					
3					
4					
5					
6					
7					
8		Desoto	Space Coast	Martin	Total
9		Solar Center	Solar Center	Solar Center	(If Applicable)
10	General Information:				
11	Construction Commencement Date	11/3/2008	6/1/2009	12/2/2008	N/A
12	Date of Starting to Provide Electricity	8/18/2009	3/16/2010	9/13/2010	N/A
13	Commercial In-Service date	10/27/2009	4/16/2010	12/10/2010	N/A
14	Number of Positions for Operating the facility	3	2	7	12
15	Permanent Jobs Created	3	2	7	12
16	Temporary Jobs Created (including construction)	~ 400	~ 100	~ 1,000	~ 1,500
17	Cost Data:				
18	Total Capital Costs	~ \$153M (1)	~ \$71M	~ \$397M (1)	~ \$621M (1)
19	Total Installed Costs	~ \$153M (1)	~ \$71M	~ \$397M (1)	~ \$621M (1)
20	Federal ITC Received	\$44 M	\$18.4M	\$123M	\$186M
21	Average Annual Fixed O&M Costs (2)	\$1.7 M	\$.96 M	\$3.8M	\$6.5M
22	Range of the Average Annual Variable O&M Costs	No variable, all included in the avg annual fixed value provided above	No variable, all included in the avg annual fixed value provided above	No variable, all included in the avg annual fixed value provided above	N/A
23	Major Contractors for the Project:				
24	Design	SunPower	SunPower	Lauren Engineering & Construction	N/A
25	Engineering	SunPower	SunPower	Lauren Engineering & Construction	N/A
26	Procurement	SunPower	SunPower	Florida Power & Light	N/A
27	Solar Panels/Mirrors:				
28	Manufacturer(s)	SunPower	SunPower	RioGlass	N/A
29	Location of Manufacturer(s)	Philippines	Philippines	Spain	N/A
30					
31					
32					
33					
34					
35	(1) Due to completion of remaining punchlist and other items, minor work orders remain open and therefore final project costs are not complete at this time. Figures provided are estimated.				
36	(2) 30 year average of escalated annual costs.				

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EXHIBIT "C"

JUSTIFICATION TABLE

DOCUMENT NUMBER-DATE

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EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET NO.: 110007-EI
DOCKET TITLE: Environmental Cost Recovery Clause
SUBJECT: Staff's First Set of Interrogatories No. 1
DATE: March 14, 2011

Description	Interrogatory No.	Conf. Y/N	Line Nos.	Florida Statute 366.093(3) Subsection	Affiant
Interrogatory	1	Y	Col. B-E, lines 31-33	(d),(e)	J.L. Martinez

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EXHIBIT "D"

AFFIDAVIT

DOCUMENT NUMBER-DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)

DOCKET NO. 110007-EI

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF J.L. MARTINEZ

BEFORE ME, the undersigned authority, personally appeared J.L. Martinez who, being first duly sworn deposes and says:

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

2. I have reviewed the information included in Exhibit A to FPL's Request for Confidential Classification. The information in Exhibit A which is asserted by FPL to be proprietary confidential business information contains information concerning bid or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the information relates to warranty information for the Solar Energy Centers, including facility life, description of key terms of the warranty obtained and warranty provider(s). Additionally, this information relates to the competitive interests, the disclosure of which would impair the competitive business of FPL's and its counter-party. To the best of my knowledge, FPL has maintained the confidentiality of the information in Exhibit A which is asserted by FPL to be proprietary confidential business information.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, the document containing the proprietary confidential business information 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 that information.

4. Affiant says nothing further.


J.L. Martinez

SWORN TO AND SUBSCRIBED before me this 11 day of March, 2011 by J.L. Martinez, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires: 5/29/2012 DOCUMENT NUMBER-DATE
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State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

Scott Goorland
700 Universe Blvd.
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 110007-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on March 15, 2011, in the above-referenced docket.

Document Number 01695-11 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.