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April 22, 2011

RECEIVED- FPSC  
 11 APR 22 AM 11:03  
 COMMISSION  
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**-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

**Re: Docket No. 110007-EI**

For DN 02773-11, which  
 is in locked storage. You must be  
 authorized to view this DN.-CLK

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 request at the March 29, 2011 informal meeting. 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 William L. Yeager 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 is word.

Please contact me if you have any questions regarding this filing

COM   
 APA   
 ECR   
 GCL   
 RAD   
 SSC   
 ADM   
 OPC   
 CLK

*3+ 100 containing Request + Exh C*

Sincerely,  
  
 John T. Butler

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

DOCUMENT NUMBER-DATE  
 02772 APR 22 =  
 FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Environmental Cost )  
Recovery Clause )

DOCKET NO. 110007-EI  
Filed: April 22, 2011

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
IN RESPONSE TO STAFF'S MARCH 29, 2011 INFORMAL MEETING**

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 the Commission Staff's request at the March 29, 2011 informal meeting. In support of its Request, FPL states as follows:

1. On April 1, 2011 FPL filed a Notice of Intent to Request Confidential Classification of information relating to the Commission Staff's request at the March 29, 2011 informal meeting regarding the warranty that applies to the ESP for the 800 MW oil-fired units. Pursuant to Rule 25-22.006(3)(a), FPL has 21 days from the date of filing its Notice of Intent to file a Request for Confidential Classification. FPL is filing this request pursuant to Rule 25-22.006(3)(a) and Rule 25-22.006(4), 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.

**DOCUMENT NO. DATE**  
02772-11 4,22,11  
**FPSC - COMMISSION CLERK**

d. Exhibit D is the affidavit of William L. Yeager, Vice President Engineering and Construction.

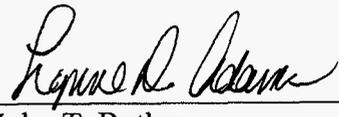
3. FPL submits that the information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, 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 provided by FPL contains proprietary confidential business information that is both related to contracts and competitively sensitive. The information provided contains the terms and conditions of the warranty that FPL has negotiated for the ESPs that are to be installed on the 800 MW oil-fired units. Such information is protected by Section 366.093(3)(d) and Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the information included 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**, FPL respectfully requests confidential classification of the confidential information described herein.

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

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

**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 this 22<sup>nd</sup> day of April, 2011 to the following:

Martha Brown, Esq.  
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Florida Public Service Commission  
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Office of Public Counsel  
c/o The Florida Legislature  
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By:   
John T. Butler

State of Florida



## Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

John T. Butler  
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 April 22, 2011, in the above-referenced docket.

Document Number 02773-11 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.