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COMMISSION  
CLERK

May 24, 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

**Re: Docket No. 100458-EI**

For DN 03638-11, 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 Request for Confidential Classification concerning certain portions of information provided to Staff in Response to Question Nos. 18, 37, 39, and 61 of Staff's First Data Request. The original includes Exhibits A through D. The seven (7) copies to not include exhibits.

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. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in EXHIBIT A pending disposition of FPL's Request for Confidential Classification. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C is FPL's justification table for its confidentiality request. Exhibit D contains copies of the affidavits of Solomon L. Stamm in support of FPL's confidentiality request. FPL will file the originals of those affidavits under separate cover.

- COM
- APA
- ECR**
- GCL
- RAD
- SSC
- ADM
- OPC
- CLK

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 at 561-304-5639 if you have any questions regarding this filing.

Sincerely,

John Butler

Enclosures

cc: Counsel for Parties of Record (w/o exhibits.)

DOCUMENT NUMBER-DATE

03637 MAY 24 =

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of 2010 Nuclear  
Decommissioning Study by Florida Power )  
& Light Company )  
\_\_\_\_\_ )

DOCKET NO. 100458-EI

FILED: May 24, 2011

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 portions of information provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in response to Question Nos. 18, 37, 39 and 61 of Staff's First Data Request concerning Florida Power & Light's 2010 Decommissioning Study. In support of its Request, FPL states as follows:

1. On May 4, 2010, FPL filed a Notice of Intent to Request Confidential Classification of FPL's responses to a portion of the above referenced discovery (the "Confidential Material"). This Request for Confidential Classification is being filed pursuant to Rule 25-22.006, in support of the continued confidential classification of the Confidential Material.

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

a. Exhibit A is the confidential copy of the Confidential Material, with the confidential portion highlighted.

b. Exhibit B is a redacted copy of the Confidential Material, with the confidential portion blacked out.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the Confidential Material and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the original affidavit of Solomon L. Stamm.

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. Section 366.093(3), Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been publicly disclosed. The Confidential Material attached hereto is intended to be and has been treated by FPL as private and its confidentiality has been maintained. Disclosure of the Confidential Material would cause harm to FPL and its customers. Pursuant to Section 366.093, Florida Statutes, 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 included in Exhibit D attests, the Confidential Materials contain information related to bids or contractual data, such as pricing or other terms, the public disclosure of which would violate nondisclosure terms of FPL's contracts with certain vendors and/or impair FPL's ability to contract for goods and services on favorable terms in the future, to the detriment of FPL and its customers. Additionally, the Confidential Materials contain

information related to competitive interests, and its disclosure would impair the competitive business of either FPL or its vendors. Such information is protected pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

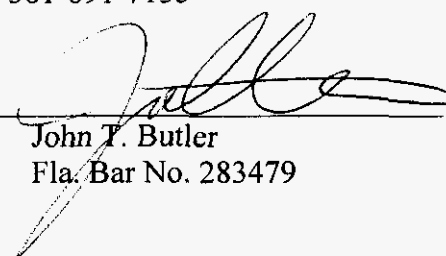
5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

**WHEREFORE**, for the foregoing reasons, Florida Power & Light Company respectfully requests that confidential classification of the documents identified in this Request be granted.

Respectfully submitted,

John T. Butler, Managing Attorney  
Florida Power & Light Company  
700 Universe Blvd. – Law/JB  
Juno Beach, Florida 33408-0420  
Telephone: 561-304-5639  
Fax: 561-691-7135

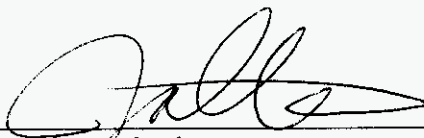
By: \_\_\_\_\_

  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**  
**Docket No. 100458-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification (\*) has been furnished by hand delivery on the 24<sup>th</sup> day of May 2011, to the following:

Caroline Klancke  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

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

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

**EXHIBIT "A"**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**