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COMMISSION
CLERK

September 1, 2011

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

_____ Review of confidentiality
_____ Intent
 Request for confidentiality
_____ Filed by OPC
For DN 06339-11, which
is in confidential storage. You must be
subscribed to view this DN-CLK

Re: Docket No. 110001-EI

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Florida Power and Light Company's Request for Confidential Classification of certain information contained in Schedule E12 of Appendix IV to the prepared testimony of FPL witness Terry J. Keith. The original includes Exhibits A through D. The copies include Exhibits C and D only.

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 Gerard Yupp 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 CD containing FPL's Request for Confidential Classification and Exhibit C.

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

COM _____
APA _____
ECR 3700
GCL _____
RAD _____
SRC _____ Enclosures
ADM _____ cc: parties of record, w/o exhibits
OPC _____
CLK _____

Sincerely

John T. Butler

DOCUMENT NUMBER-DATE

06338 SEP-1 =

FPSC-COMMISSION CLERK

an FPL Group company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and purchase power cost recovery
clause with generating performance incentive
factor

Docket No: 110001-EI

Date: September 1, 2011

**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CAPACITY
PAYMENTS TO NON-COGENERATORS IDENTIFIED IN SCHEDULE E12**

Pursuant to Section 366.093 of the Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information contained in Schedule E12 of Appendix IV to the prepared testimony of FPL witness Terry J. Keith (the "Confidential Information"). In support of its Request, FPL states as follows:

1. On September 1, 2011, FPL filed the prepared testimony of FPL witness Terry J. Keith in this docket. Schedule E12 of Appendix IV to the testimony contains information of a confidential nature. This Request is intended to request confidential classification of the Confidential Information consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

- a. Exhibit A consists of a highlighted copy of Schedule E12 in which all of the confidential information has been highlighted.
- b. Exhibit B consists of two copies of the redacted Schedule E12 in which all of the Confidential Information has been redacted.
- c. Exhibit C is a table containing an identification of the Confidential Information, 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 is the affidavit of Gerard J. Yupp in support of this request.

DOCUMENT NUMBER-DATE

06338 SEP-1 =

FPSC-COMMISSION CLERK

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)”). 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. FPL seeks confidential protection for the highlighted information contained in Schedule E12, which identifies capacity payments to non-cogenerators. The highlighted information consists of contractual data about FPL’s capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL’s marketing and procurement practices and impair FPL’s ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. The highlighted information also includes data concerning a specific proposed capacity contract. Such information is protected by Section 366.093(3)(d). Additionally, the information contained in Schedule E12 includes data related to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses. Such information is protected by Section 366.093(3)(e).

5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information should not be declassified for 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.

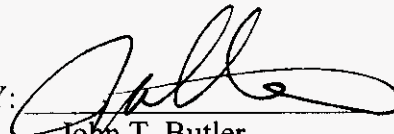
§ 366.093(4), Fla. Stat.

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Information contained in Schedule E12.

Respectfully submitted,

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BY:



John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 110001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of capacity payments to non-cogenerators information has been furnished by hand delivery (*) or United States mail this 1st day of September, 2011, to the following:

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