



Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420
Law Department

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Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5795
(561) 691-7135 (Facsimile)
Email: Maria.Moncada@fpl.com

COMMISSION
CLERK

October 5, 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

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

For DN 07247-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110001-EI
Request for Confidential Classification (Audit No. 08-221-4-1)

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 Materials Provided Pursuant to Audit No. 08-221-4-1. The original includes Revised Exhibits C and D. The seven copies do not include copies of the Exhibits.

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.

Sincerely,

Maria J. Moncada
Attorney for
Florida Power & Light Company

Enclosures
cc: parties of record, w/out exhibits

COM _____
APA _____
ECR 3 _____
GCL _____
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ADM _____
OPC _____
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3 CDs containing request and exhibit C.

DOCUMENT NUMBER-DATE

07246 OCT-5 =

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 110001-EI

FILED: October 5, 2011

**FLORIDA POWER & LIGHT COMPANY'S FIRST
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED PURSUANT TO AUDIT NO. 08-221-4-1**

Pursuant to Section 366.093, Florida Statutes (2011) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code (2011) ("Rule 25-22.006"), Florida Power & Light Company ("FPL") requests its first extension of confidential classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 08-22-4-1 ("the Audit"). In support of this request, FPL states as follows:

1. On December 10, 2008 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("December 10, 2008 Request"). By Order No. PSC-10-0214-CFO-EI, dated April 5, 2010 ("Order 0214"), the Commission granted FPL's December 10, 2008 Request. FPL adopts and incorporates by reference the December 10, 2008 Request and Order 0214.

2. The period of confidential treatment granted by Order 0214 will soon expire. The Confidential Information that was the subject of FPL's December 10, 2008 Request and Order 0214 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. Included herewith and made a part hereof, are Revised Exhibits C and D. Revised Exhibit D contains the affidavits of Maria V. Besada and Gerard J. Yupp in support of this request.

4. FPL submits that the information contained in Exhibit A and referenced in Exhibit B, and Revised Exhibits C and D continues to be proprietary confidential business information within the meaning of s. 366.093(3), F.S. 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.

5. As the affidavits included in Revised Exhibit D indicate, the Confidential Information includes contractual data such as pricing and other terms, payment records, and vendor and supplier rates for oil and gas procurement, the disclosure of which would impair the efforts of FPL to contract for gas and oil procurement on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. Such information is protected by Section 366.093(3)(d) and (e).

6. Additionally, the Confidential Information includes contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL or FPL Energy Services, Inc. ("FPLES") to contract for goods or services on favorable terms in the future. Also, these documents contain or constitute competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. This information is protected by Section 366.093(d) and (e).

7. Nothing has changed since the Commission entered Order 0214 to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

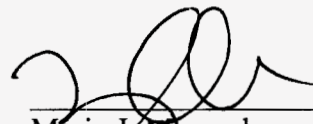
8. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat. (2011).

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler
Managing Attorney
Mara J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135
Email: maria.moncada@fpl.com

By:



Maria J. Moncada
Florida Bar No. 0773301

CERTIFICATE OF SERVICE
Docket No. 110001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*) or the United States Mail on this 5th day of October, 2011 to the following:

Lisa Bennett, Esq.*
Jennifer Crawford, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
lbennett@psc.state.fl.us
jcrawford@psc.state.fl.us

J. R. Kelly, Esq.
Patricia Christensen, Esq.
Charles Rehwinkel, 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
rehwinkel.charles@leg.state.fl.us

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

John T. Burnett, Esq./Dianne M. Triplett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
dianne.triplett@pgnmail.com

John W. McWhirter, Jr., Esq.
McWhirter & Davidson, P.A.
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33602
jmcwhirter@mac-law.com

Beth Keating, Esq.
Gunster Firm
Attorneys for FPUC
215 So. Monroe St., Suite 618
Tallahassee, Florida 32301- 1804
bkeating@gunster.com

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

James W. Brew, Esq. / F. Alvin Taylor, Esq.
Attorney for White Springs
Brickfield, Burchette, Ritts & Stone, P.C
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 2007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com

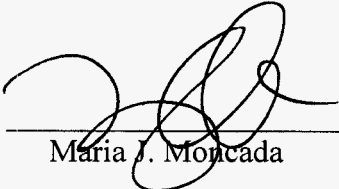
Robert Scheffel Wright, Esq.
Jay Lavia, Esq.
Gardner, Bist, Wiener, et al., P.A.
Attorneys for Florida Retail Federation and
City of Marianna
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

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

Patrick K. Wiggins
AFFIRM
Grossman, Furlow & Bayó, L.L.C.
2022-2 Raymond Diehl Road
Tallahassee, FL 32308
p.wiggins@gfblawfirm.com

Michael Barrett, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
mbarrett@psc.state.fl.us

Karen S. White, Esq.
Staff Attorney
AFLOA/JACL-ULT/FLOA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5317
Attorney for the Federal Executive Agencies
Karen.White@tyndall.af.mil

By: 

Maria J. Moncada