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October 25, 2012

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 COMMISSION  
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**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

Re: Docket No. 120007-EI

For DN 07274-12, which  
 is in locked storage. You must be  
 authorized to view this DN.-CLK

Dear Ms. Cole:

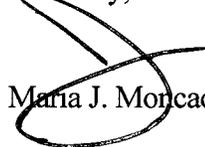
Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification of Information Provided in Response to Staff's Second Request for Production of Documents No. 2. The original includes Exhibits A through D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential document, and the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification table supporting its Request for Confidential Classification. Exhibit D contains an affidavit in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

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

COM \_\_\_\_\_  
 AFD 1+CD  
 APA \_\_\_\_\_  
 ECO \_\_\_\_\_  
 ENG \_\_\_\_\_  
 GCL \_\_\_\_\_  
 IDM \_\_\_\_\_  
 TEL \_\_\_\_\_ Enclosures  
 CLK 1 cc: parties of record, w/out exhibits

Sincerely,

for  Maria J. Moncada

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Environmental Cost Recovery Clause

Docket No: 120007-EI

Date: October 25, 2012

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
INFORMATION PROVIDED IN RESPONSE TO STAFF'S  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 2)**

Florida Power & Light Company ("FPL"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests confidential classification of certain information provided in response to Staff's Second Request for Production of Documents (No. 2) ("Confidential Discovery Responses") which were served by Staff on September 14, 2012. In support of its Request, FPL states as follows:

1. On October 4, 2012, FPL filed a Notice of Intent to Request Confidential Classification regarding its response to Staff's Second Request for Production of Documents (No. 2). Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in its response to Staff's Second Request for Production of Documents (No. 2) filed with the Notice of Intent.

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 Responses 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.

DOCUMENT NUMBER-DATE

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c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory basis for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D consists of the affidavit of David Storck.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. This information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., 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 indicates, certain information relates to customer-specific account information, which if disclosed would impair FPL's competitive interests. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. This information is protected by Section 366.093(3)(e), Fla. Stat.

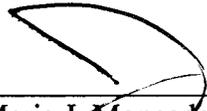
5. Upon a finding by the Commission that the Confidential Discovery Response information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S., pursuant to Section 366.093(4), F.S., such materials should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, FPL respectfully requests confidential classification of Staff's Second Request for Production of Documents (No. 2) described herein.

Respectfully submitted this 25th day of October, 2012.

Respectfully submitted,

John T. Butler, Esq.  
Assistant General Counsel-Regulatory  
Maria J. Moncada, Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5795  
Facsimile: (561) 691-7135

By:   
*for* Maria J. Moncada  
Florida Bar No. 0773301

**CERTIFICATE OF SERVICE**  
**Docket No. 120007-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of information provided in response to Staff's Second Request for Production of Documents (No. 2)(\* ) has been furnished by hand delivery(\*\*) or United States mail this 25<sup>th</sup> day of October, 2012 to the following:

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

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Patricia Christensen, Esq.  
Charles Rehwinkel, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 W Madison St. Room 812  
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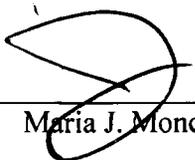
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Attorneys for Progress Energy Florida

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

*for*

  
Maria J. Moncada

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

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

# **EXHIBIT B**

## **REDACTED COPIES**