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August 20, 2008

**-VIA HAND DELIVERY -**

Ms. Ann Cole  
 Commission Clerk  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850

RECEIVED--FPSC  
 08 AUG 20 PM 2: 50  
 COMMISSION  
 CLERK

**Re: Docket No. 080009-EI  
 Audit control No. 08-087-4-1**

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 of Information Provided Pursuant to Audit No. 08-087-4-1, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request. Please note that Exhibit D is a copy of the signed Affidavit. The original signed Affidavit will be filed under separate cover.

If there are any questions regarding this transmittal, please contact me at 561-304-5253.

Sincerely,

*Bryan S. Anderson /jsb/*  
 Bryan S. Anderson

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 2+Diskette
- OPC \_\_\_\_\_ Enclosure
- RCP \_\_\_\_\_ cc: Counsel for parties of record (w/encl.)
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK 1

DOCUMENT NUMBER-DATE

07484 AUG 20 08

FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant                    )  
Cost Recovery Clause                         )

DOCKET NO. 080009-EI

FILED: August 20, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED PURSUANT TO AUDIT CONTROL NO. 08-087-4-1**

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 to the Commission Staff in connection with Staff's Audit Control No. 08-087-4-1. In support of its Request, FPL states as follows:

1. By memorandum dated July 30, 2008, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the "Working Papers"). Pursuant to Rule 25-22.006(3)(a), FPL has until August 20, 2008, to file a formal request for confidential classification with respect to the Report. This Request is intended to request confidential classification of the confidential portions of the Report consistent with Rule 25-22.006(3)(a).

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

a. Composite Exhibit A consists of copies of the Working Papers, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

DOCUMENT NUMBER-DATE

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c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification is sought, 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 affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavit of Steven D. Scroggs.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to Section 366.093, the information highlighted in Exhibit A 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.

5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3)." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's request. Further support for FPL's request for confidential classification of the referenced information is provided through the affidavits that are included as Exhibit D to this Request.

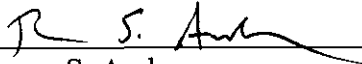
6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information

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 this Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Associate General Counsel  
Bryan S. Anderson, Esq.  
Senior Attorney  
Law Department  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, Florida 33408-0420  
Telephone: 561-304-5253  
Fax: 561-691-7135

By:   
Bryan S. Anderson  
Authorized House Counsel No.219511

**CERTIFICATE OF SERVICE**

**Docket No. 080009-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Of Information Provided Pursuant To Audit Control No. 08-087-4-(\*) has been furnished by hand delivery (\*\*) or U.S. Mail on this 20th day of August 2008, to the following:

Lisa Bennett, Esquire\*\*  
Keino Young, Esquire  
Jennifer Brubaker, Esquire  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850


Joseph A. McGlothlin, Esquire  
Steve Burgess, Esquire  
J. R. Kelly, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

J. Michael Walls, Esquire  
Diane M. Triplet, Esquire  
Carlton Fields Law Firm  
P.O. Box 3239  
Tampa, Florida 33601-3239

John T. Burnett, Esquire  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, Florida 33733-4042

John W. McWhirter, Jr., Esquire  
McWhirter, Reeves Law Firm  
Attorneys for FIPUG  
P.O. Box 3350  
Tampa, FL 33601-3350

Michael B. Twomey, Esquire  
Attorney for AARP  
Post Office Box 5256  
Tallahassee, FL 32314-5256

By:   
Bryan S. Anderson

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

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** August 20, 2008

**TO:** Brayan S. Anderson

**FROM:** Ruth Nettles, Office of Commission Clerk

**RE:** Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080009 or, if filed in an undocketed matter, concerning information provided pursuant to Audit No. 08-087-4-1, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE  
07485 AUG 20 08  
FPSC-COMMISSION CLERK

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)