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August 29, 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 29 PM 4: 21  
 COMMISSION  
 CLERK

**Re: Docket No. 080009-EI**

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 Contained in Testimony and Exhibits of Carl Vinson, Robert Lynn Fisher and Kathy L. Welch, 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.

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

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 OPC \_\_\_\_\_  
 RCP \_\_\_\_\_  
 SSC \_\_\_\_\_  
 SGA \_\_\_\_\_ Enclosure  
 ADM \_\_\_\_\_ cc: Counsel for parties of record (w/encl.)  
 CLK   1  

Sincerely,

  
 Bryan S. Anderson

DOCUMENT NUMBER-DATE

07982 AUG 29 08



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 affidavits of Steven D. Scroggs and William P. Labbe, Jr.

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.

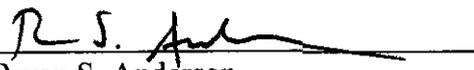
5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3)." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's 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 Information Contained In Testimony and Exhibits of Carl Vinson, Robert Lynn Fisher and Kathy L. Welch (\*) has been furnished by hand delivery (\*\*) or U.S. Mail on this 29th 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

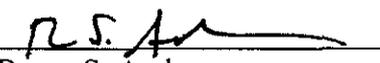
Joseph A. McGlothlin, Esquire  
Steve Burgess, Esquire  
J. R. Kelly, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

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Diane M. Triplet, Esquire  
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Tampa, Florida 33601-3239

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P.O. Box 14042  
St. Petersburg, Florida 33733-4042

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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

## Public Service Commission

### ACKNOWLEDGEMENT

DATE: August 29, 2008

TO: Bryan S. Anderson, Esquire/Florida Power & Light Company

FROM: Marguerite H. McLean, Office of Commission Clerk

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

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080009-EI (DN 07983-08) or, if filed in an undocketed matter, concerning information contained in testimony and exhibits of Carl Vinson, Robert Lynn Fisher, and Kathy L. Welch, and filed on behalf of FPL. The document will be maintained in locked storage.

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

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