

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Florida Power & Light Company's  
Petition to Determine Need for FPL  
Florida EnergySecure Pipeline

DOCKET NO. 090172-EI

FILED: May 22, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Power & Light Company (FPL), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification of certain information provided in Attachment No. 1 to FPL's Response to Staff's First Set of Interrogatories to FPL (Question No. 1). In support of this Request, FPL states:

1. On May 4, 2009, FPL filed a Notice of Intent to Request Confidential Classification related to Attachment No. 1 to FPL's Response to Staff's First Set of Interrogatories to FPL (No. 1). Attachment No. 1 includes information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms. The response also includes information relating to competitive interests of the provider of the information. This Request for Confidential Classification has been filed within 21 days after Staff obtained Attachment No. 1, and is therefore timely. R. 25-22.006(3)(a)(1), F.A.C.

2. The following exhibits are included with this request:

a. Exhibit A is a table which identifies the information for which FPL seeks confidential classification and the specific basis for seeking confidential treatment;

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b. Exhibit B is a package containing two copies of a redacted version of the document for which FPL requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means;

c. Exhibit C is a package containing an unredacted copy of the document for which FPL seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow; and

d. Exhibit D is the affidavit of Heather C. Stubblefield.

3. The document for which FPL seeks confidential classification includes information submitted on a confidential basis by respondents to FPL's solicitation for natural gas transportation alternatives. Specifically, the document includes information concerning proposals received in response to FPL's solicitation, including information related to proposed transportation rates and other terms, as well as information that could be used to ascertain the identity of one or more of the respondents.

4. The information described above and identified on Exhibit "A" qualifies for confidential classification under Section 366.093(3), Florida Statutes. The purpose of FPL's solicitation was to obtain potentially favorable contract terms for natural gas transportation alternatives. Without assurances that their identities and the terms of their proposals would not be publicly disclosed, potential respondents would run the risk that sensitive business information in their proposals would be made available to the public, including potential competitors. As a result, potential respondents might withhold sensitive information necessary for FPL to understand and evaluate the costs and benefits of their proposals. Without these

assurances of non-disclosure, potential respondents might choose not to participate in the solicitation. Furthermore, disclosure of sensitive information provided in response to FPL's solicitation would impair the competitive interests of the provider of the information. Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes. *See* Order No. PSC-05-1141-CFO-EI issued in Docket No. 031033-EI on November 15, 2005 (granting confidential classification of the identities of bidders who responded to request for proposals for waterborne transportation services).

5. The information for which FPL seeks confidential treatment is intended to be and is treated as confidential by FPL. The information has not been disclosed to the public.

6. FPL requests that the information identified above be classified as "proprietary confidential business information" within the meaning of section 366.093(3), Florida Statutes; that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), Florida Statutes; and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted this 22nd day of May, 2009.

R. Wade Litchfield, Vice President and  
Associate General Counsel  
John T. Butler, Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5253  
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and

HOPPING GREEN & SAMS, P.A.

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Tallahassee, Florida  
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Attorneys for Florida Power & Light Company

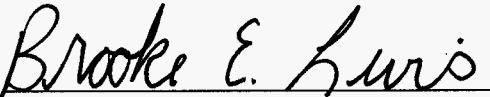
**CERTIFICATE OF SERVICE**

**Docket No. 090172-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States mail this 22nd day of May, 2009, to the following:

Martha Carter Brown  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[MBrown@PSC.STATE.FL.US](mailto:MBrown@PSC.STATE.FL.US)

Floyd R. Self  
Messer Caparello & Self, P.A.  
2618 Centennial Place  
Tallahassee, FL 32308  
[fself@lawfla.com](mailto:fself@lawfla.com)

  
\_\_\_\_\_  
Attorney

**EXHIBIT A**  
**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION**

| DOCUMENT  | PAGE NO(S). | COLUMNS | LINE NO(S).    | STATUTORY JUSTIFICATION           |
|---|-------------|---------|----------------|-----------------------------------|
| Attachment No. 1 to FPL's Response to Staff's First Set of Interrogatories (Question No. 1) | 1           | C       | 1, 4, 8, 9     | § 366.093(3)(d) & (e), Fla. Stat. |
|   |             | D       | 1, 4, 8, 9     | § 366.093(3)(d) & (e), Fla. Stat. |
|   |             | E       | 5, 6, 8        | § 366.093(3)(d) & (e), Fla. Stat. |
|   |             | N/A     | 15, 16, 17, 18 | § 366.093(3)(d) & (e), Fla. Stat. |

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's  
Petition to Determine Need for FPL  
EnergySecure Pipeline

DOCKET NO. 090172-EI

FILED: May 22, 2009

STATE OF FLORIDA )  
COUNTY OF PALM BEACH )

BEFORE ME, the undersigned authority, personally appeared Heather C. Stubblefield who, being first duly sworn deposes and says:

1. My name is Heather C. Stubblefield. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Project Development in the Energy Marketing and Trading Business Unit. I have personal knowledge of the matters stated in this affidavit.
2. I have reviewed the document and information included in Exhibit C to FPL's Request for Confidential Classification. The document and material in Exhibit C which is asserted by FPL to be proprietary confidential business information is comprised of information concerning bids and contractual data, the disclosure of which would impair the efforts of FPL to contract for good and services on favorable terms. This information is also related to competitive interests, and its disclosure would impair the competitive business of the provider of the information.
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

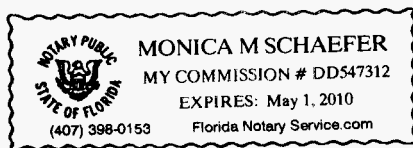
Affiant says nothing further.

Heather C. Stubblefield  
Heather C. Stubblefield

SWORN TO AND SUBSCRIBED before me this 21<sup>ST</sup> day of May, 2009, by Heather C. Stubblefield who is personally known to me or who has produced personally known (type of identification) as identification and who had taken an oath.

Monica M. Schaefer

My Commission Expires: 5/1/2010



STATE OF FLORIDA

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



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ANN COLE  
COMMISSION CLERK  
(850) 413-6770

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: May 22, 2009

TO: Gary V. Perko, Brooke E. Lewis, Hopping Law Firm

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 090172 or, if filed in an undocketed matter, concerning certain information provided in Attachment No. 1, to staff's 1<sup>st</sup> set of Interrogatories, Question No. 1, and filed on behalf of Florida Power & Light. 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.

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PSC Website: <http://www.floridapsc.com>

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

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