



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

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May 26, 2009

**VIA HAND DELIVERY**

Ms. Ann Cole  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
Betty Easley Conference Center  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
09 MAY 26 PM 4: 06  
COMMISSION  
CLERK

Re: Docket No. 090009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its Revised Request for Confidential Classification regarding confidential information included in FPL's responses to Staff's Second Request for Production of Documents (Nos. 2 and 3). The original includes Exhibit A through D. The seven (7) copies do not include the exhibits.

Exhibit A consists of a copy of the confidential information on which all confidential information has been highlighted. Exhibit B consists of two copies of the documents with confidential information redacted. Exhibit C consists of FPL's justification table and Exhibit D contains two affidavits in support of FPL's request. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

This filing is intended to supersede and replace the pending Request for Confidential Classification of FPL's responses to Staff's Second Request for Production of Documents (Nos. 2 and 3) filed on April 30, 2009.

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

*[CLK note: CD not enclosed.]*  
*AKM*

Sincerely,

*Jessica A. Cano*  
Jessica A. Cano

Enclosures  
cc: Parties of Record (w/out enc.)

DOCUMENT NUMBER-DATE

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant )  
Cost Recovery Clause )

Docket No. 090009-EI  
Filed: May 26, 2009

**FLORIDA POWER & LIGHT COMPANY'S REVISED  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF RESPONSES TO  
STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 2 AND 3)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of portions of its responses to the Staff of the Florida Public Service Commission's ("Staff's") Second Request for Production of Documents, Nos. 2 and 3. In support of this revised request, FPL states as follows:

1. Staff had previously requested copies of FPL's responses to Staff's Second Request for Production of Documents ("PODs") Nos. 2 and 3. These documents contain confidential, proprietary business information. On April 30, 2009, FPL filed copies of its responses with the Commission Clerk and requested confidential classification of a majority of the information contained therein. That request is currently pending.

2. Upon further review of the information contained in FPL's responses to Staff's PODs Nos. 2 and 3, FPL has determined that it is able to reduce the amount of information for which it is seeking confidential treatment. Accordingly, this Revised Request for Confidential Classification is being filed and is intended to supersede and replace the request filed on April 30, 2009.

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

a. Exhibit A consists a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been highlighted

b. Exhibit B consists of two copies of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted.

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

d. Exhibit D includes the affidavits of Steven D. Scroggs and Rajiv S. Kundalkar.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and it 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 affidavits included in Exhibit D indicate, the information provided by FPL contains information related to bids or contractual data, the public disclosure of which would violate nondisclosure terms of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected by section 366.093(3)(d), Florida Statutes. Additionally, this information is competitively sensitive, and its disclosure would impair the competitive interests of FPL or its vendors. Such information is protected by section 366.093(3)(e), Florida Statutes.

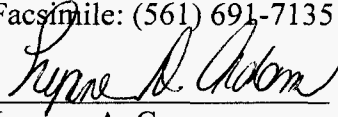
5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, it should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. See § 366.093(4), Fla. Stat. Additionally, FPL requests that the highlighted copies of this confidential information previously provided as Exhibit A with its original April 30, 2009 request be returned as early as practicable.

**WHEREFORE**, FPL respectfully requests confidential classification of its responses to Staff's Second Request for Production of Documents Nos. 2 and 3 as described herein.

Respectfully submitted,

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700 Universe Boulevard  
Juno Beach, FL 33408  
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Facsimile: (561) 691-7135

By:

  
\_\_\_\_\_  
Jessica A. Cano  
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE  
DOCKET NO. 090009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing (without exhibits) was served by hand delivery\* or U.S. mail this 26th day of May, 2009, to the following:

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By:   
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STATE OF FLORIDA



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

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE: May 26, 2009**

**TO: Jessica A. Cano, Esquire/FPL**

**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 090009-EI [DN 05206-09] or, if filed in an undocketed matter, concerning responses to staff's 2nd request for PODs (Nos. 2 and 3), 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 McLean, Deputy Clerk, at (850) 413-6770.**