

080244-EI

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of Underground Conversion Tariff Revisions) Docket No. 080244-EI

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.) Docket No. 070231-EI

STATE OF FLORIDA) AFFIDAVIT OF THOMAS R. KOCH
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Thomas R. Koch, who, being first duly sworn, deposes and says:

1. My name is Thomas R. Koch. I am currently employed by Florida Power & Light Company ("FPL") as Manager, DSM Cost, Performance & Strategy I previously held the position of Manager, Underground Department, for FPL. I have personal knowledge of the matters stated in this affidavit

2. I compiled and prepared Exhibit TRK-10 to my prefiled rebuttal testimony filed in this Docket on May 15, 2009 ("Exhibit TRK-10"), a copy of which is attached hereto and marked as Exhibit A to FPL's Request for Confidential Classification. This document contains information on FPL's historical damage claims and litigation costs associated with underground and overhead facilities. FPL considers this information to be proprietary confidential business information because its disclosure would provide litigation adversaries and potential adversaries with inappropriate insight into the nature of FPL's damages and litigation experience and the relative relationship of damage claims and litigation costs for underground and overhead facilities. Such access would impair FPL's competitive business to the disadvantage of both FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of the information contained in Exhibit TRK-10.

3. Consistent with the provisions of the Florida Administrative Code, Exhibit TRK-10 should remain confidential for a period of not less than 18 months. In addition, it should be returned to FPL as soon as the information contained therein is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of Exhibit TRK-10.

4. Affiant says nothing further

[Handwritten signature of Thomas R. Koch]
Thomas R. Koch

SWORN TO AND SUBSCRIBED before me this 26 day of May 2009, by Thomas R. Koch, who is personally known to me or who has produced F.I.D. (type of identification) as identification and who did take an oath.

[Handwritten signature of Notary Public]
Notary Public, State of Florida

My Commission Expires:

