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DATE: May 27, 2009

TO: \_\_\_\_\_ OFFICE OF THE GENERAL COUNSEL  
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XX \_\_\_\_\_ DIVISION OF ECONOMIC REGULATION  
\_\_\_\_\_ DIVISION OF REGULATORY COMPLIANCE  
\_\_\_\_\_ OFFICE OF STRATEGIC ANALYSIS AND GOVERNMENTAL  
AFFAIRS

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 05212-09

DESCRIPTION: FPL (Butler) - (CONFIDENTIAL) Certain information contained in Exh  
TRK-10 to prefiled rebuttal testimony of Thomas R. Koch.  
[x-ref. DN 04764-09]

SOURCE: Florida Power & Light Company

DOCKET NO(S): 080244-EI/070231-EI

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Office of Commission Clerk and to the Office of General Counsel.

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Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
- (a) Trade secrets;
  - (b) Internal auditing controls and reports of internal auditors;
  - (c) Security measures, systems, or procedures;
  - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
  - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
  - (f) Tax returns or tax-related information;
  - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Conne Kummer

Date: 6/1/09

cc:  GCL       SGA  
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PSC/CCA 15 (Rev 10/08)