

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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IN RE: Environmental Cost)
Recovery Clause)

DOCKET NO. 090007-EM
Filed: June 1, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
PURSUANT TO STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information responsive to Staff's Second Request for Production of Documents Nos. 4 and 5 which were served by Staff on April 14, 2009. In support of its Request, FPL states as follows:

1. FPL served its documents responsive to Staff's Second Request for Production of Documents on May 13, 2009, but did not provide Staff the confidential responsive documents at that time; rather, the confidential documents were made available for inspection in FPL's Tallahassee office. Subsequently, Staff has requested copies of certain of the confidential documents that were inspected (the "Confidential Discovery Responses"). FPL considers the Confidential Discovery Responses to be proprietary confidential business information. FPL is hereby requesting confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Exhibit A consists of a copy of the Confidential Discovery Responses on 7 which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of pages identifying the title of the Confidential Discovery Responses and noting that the contents are confidential. Because FPL seeks

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confidential classification of the entire of the Confidential Discovery Responses, no purpose would be served by reproducing a full redacted version of that exhibit.

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 is the affidavit of William F. Brannen, Senior Director of Construction in the Project Engineering and Due Diligence Business Unit.

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)(e) because it contains information relating to competitive interests, the disclosure of which would impair the competitive business of FPL's counter-party. Additionally, some of the information consists of bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services of favorable terms. This information is protected by section 366.093(3)(d), Florida Statutes.

4 FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). 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.

5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.


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, FPL respectfully requests confidential classification of the Confidential Discovery Responses as described herein.

Respectfully submitted,

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By: 
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 090007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (*) has been furnished by hand delivery (**) or U.S. Mail on the 1st day of June, 2009, to the following:

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By 
John T. Butler

* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
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Public Service Commission

ACKNOWLEDGEMENT

DATE: June 1, 2009

TO: John T. Butler, Florida Power & Light Company

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 090007 or, if filed in an undocketed matter, concerning certain information responsive to staff's 2ndst Request for PODs, Nos 4 and 5, 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 Lockard, Deputy Clerk, at (850) 413-6770.

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