

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.
(850) 425-2359

July 13, 2009

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BY HAND DELIVERY

Ann Cole
Director Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 090172-EI – Request for Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company (FPL) are the following:

(1) The original and seven copies of its Request for Confidential Classification, including Exhibit A, which identifies by page and line the information for which FPL seeks confidential treatment.

(2) An envelope containing Exhibit B, which includes two redacted copies of the confidential documents.

(3) A CONFIDENTIAL envelope containing Exhibit C which includes one copy of the documents on which the confidential material has been highlighted.; and

(4) Exhibit D is an affidavit of Heather C. Stubblefield.

Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

Brooke E. Lewis

Enclosures

COM _____
ECR _____
GCL 1
EPC _____
ECP _____
SEC _____
SGA _____
ADM _____
CLK 1

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 090172-EI

FILED: July 13, 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 in the pre-filed direct testimony of FGT witness Benjamin Schlesinger and Exhibits BSA-2 and BSA-5. In support of this Request, FPL states:

1. On June 22, 2009, FGT filed a Notice of Intent to Request Confidential Classification related to certain information in the pre-filed direct testimony of FGT witness Benjamin Schlesinger and Exhibits BSA-2 and BSA-5 (filed on June 19, 2009). Mr. Schlesinger's testimony and Exhibits BSA-2 and BSA-5 include 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 material also includes information relating to competitive interests of the provider of the information. The information for which FPL seeks confidential classification was provided to FGT by FPL under a confidentiality agreement. This Request for Confidential Classification has been filed within 21 days after Staff obtained the pre-filed direct testimony of FGT witness Schlesinger and Exhibits BSA-2 and BSA-5, and is therefore timely. R. 25-22.006(3)(a)(1), F.A.C.

2. The following exhibits are included with this request:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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

b. Exhibit B is a package containing two copies of a redacted version of the documents 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 documents 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 an affidavit of Heather C. Stubblefield.

3. The documents for which FPL seeks confidential classification include information submitted on a confidential basis by respondents to FPL's solicitation for natural gas transportation alternatives. Specifically, the documents include 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. FPL has requested and received confidential classification for similar information in this docket. *See* Order No. PSC-09-0423-CFO-EI issued in Docket No. 090172-EI on June 16, 2009; Order No. PSC-09-0338-CFO-EI issued in Docket No. 090172-EI on May 18, 2009.

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, and was provided to FGT pursuant to a confidentiality agreement.

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 13th day of July, 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
Facsimile: (561) 691-7135

and

HOPPING GREEN & SAMS, P.A.

By: Brooke E. Lewis

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Tallahassee, Florida
850-222-7500
Fax: 850-224-8551

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 13th day of July, 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

Floyd R. Self
Messer Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308
fself@lawfla.com



Attorney

EXHIBIT A
JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
Direct Testimony of Benjamin Schlesinger, PH.D.	5	N/A	14, 15	§ 366.093(3)(d) & (e), Fla. Stat.
	6	N/A	6	§ 366.093(3)(d) & (e), Fla. Stat.
	7	N/A	16	§ 366.093(3)(d) & (e), Fla. Stat.
	8	N/A	26, 29	§ 366.093(3)(d) & (e), Fla. Stat.
	11	N/A	17	§ 366.093(3)(d) & (e), Fla. Stat.
	14	N/A	24, 25, 27	§ 366.093(3)(d) & (e), Fla. Stat.
	15	N/A	2, 24, 27	§ 366.093(3)(d) & (e), Fla. Stat.
	16	N/A	7, 11	§ 366.093(3)(d) & (e), Fla. Stat.
	21	N/A	7	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit BSA-2 to Direct Testimony of Benjamin Schlesinger, PH.D.	1-15	N/A	ALL	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit BSA-5 to Direct Testimony of Benjamin Schlesinger, PH.D.	1	C, D	ALL	§ 366.093(3)(d) & (e), Fla. Stat.
	2	C, D	ALL	§ 366.093(3)(d) & (e), Fla. Stat.
	2	N/A	1, 2	§ 366.093(3)(d) & (e), Fla. Stat.

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: July 13, 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 13th day of July, 2009, by

Heather Stubblefield who is personally known to me or who has produced *personally known*
(type of identification) as identification and who had taken an oath.

Maritza Miranda-Wise

My Commission Expires:



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

STATE OF FLORIDA



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: July 13, 2009

TO: 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 in prefiled direct testimony of FGT witness Benjamin Schlesinger and Exhibits BSA-2 and BSA-5, and filed on behalf of Florida Gas Transmission. 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.

DOCUMENT NUMBER - DATE

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