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September 15, 2009

-VIA OVERNIGHT DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 090001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's Fifth Set of Interrogatories No. 48, together with a CD containing the electronic version of same.

Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential information that is the subject of the confidentiality request.

Please note that Exhibit D, affidavit of Gerard J. Yupp is a copy, the original will be provided under separate cover.

COM 1
RCM 1
OCL 1+CD
OFC
P-C
SEC
NEA
ADM
CLK 1

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,



John T. Butler

Enclosure

cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

09624 SEP 16 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)

Docket No. 090001-EI
Filed: September 16, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED IN RESPONSE TO STAFF'S
FIFTH SET OF OF INTERROGATORY NO. 48**

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 provided by FPL in response to Staff's Fifth Set of Interrogatory No. 48 which was served on August 16, 2009 (the "Confidential Response"). In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Fifth Set of Interrogatories on Tuesday, September 15, 2009, for overnight delivery to Staff on September 16, 2009. This request is being filed contemporaneously with the delivery of the responses to Staff, in order to request confidential classification of the Confidential Response consistent with Rule 25-22.006, Florida Administrative Code.

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

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

b. Composite Exhibit B consists of an edited version of Exhibit A, on which all information in the Confidential Response that FPL asserts is entitled to confidential treatment has been redacted (for the attachments in the Confidential Response in which the entire attachment is confidential, FPL has included only identifying cover pages in Exhibit B).

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 consists of the affidavit of Gerard J. Yupp, Senior Director Wholesale Operations in the Energy Marketing and Trading Division.

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 to the best of FPL's knowledge it has not been publicly disclosed. Pursuant to Section 366.093, such information is entitled to confidential treatment and 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 affidavit of Mr. Yupp indicates, the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3) because it contains or constitutes data pertinent to FPL's hedging program. Specifically, the response contains information regarding transaction details for FPL's natural gas and fuel oil annual hedging program in both 2008 and 2009. The disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. This information is protected by Section 366.093(3)(d). Disclosure of certain of the information also would place FPL at a competitive disadvantage when coupled with other information that is publicly available. Such information is protected by Section 366.093(3)(e).

5. Upon a finding by the Commission that the information highlighted in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), 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,

R. Wade Litchfield, Esq.
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BY: Damaris Rodriguez for
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 090001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (*) has been furnished by overnight delivery (**) or U.S Mail on the 15th day of September, 2009, to the following:

Lisa Bennett, Esq. (*)
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Co-Counsel for FIPUG

By: Damaris Rodriguez for
John T. Butler
Fla. Bar No. 283479

* 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
NATHAN A. SKOP



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: September 16, 2009

TO: John 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 090001 or, if filed in an undocketed matter, concerning information responsive to staff's 5th set of Interrogatories No. 48, and filed on behalf of Florida Power & Light. 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
09625 SEP 16 09
FPSC - COMMISSION CLERK

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