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September 17, 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

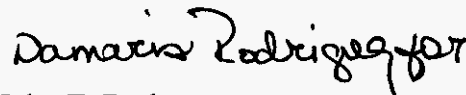
Dear Ms. Cole:

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 Sixth Set of Interrogatories No. 54, 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.

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

Sincerely,



John T. Butler

COM _____
ECR 5 Enclosure
CCL 1 + CD ec: Counsel for Parties of Record (w/encl.)
OPC _____
PLP _____
SSC _____
SGA _____
ADM _____
CLK 1

DOCUMENT NUMBER-DATE
09694 SEP 18 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 18, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED IN RESPONSE TO STAFF'S
SIXTH SET OF OF INTERROGATORIES NO. 54**

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 Sixth Set of Interrogatories No. 54 which was served on August 28, 2009 (the "Confidential Response"). In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Sixth Set of Interrogatories on Thursday, September 17, 2009, for overnight delivery to Staff on September 18, 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.

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.

DOCUMENT NUMBER-DATE

09694 SEP 18 09

d. Exhibit D consists of the affidavit of Solomon L. Stamm, Controller, Nuclear Fleet.

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. Stamm indicates, the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3) because it contains detailed data pertinent to FPL's settlement agreement with the U.S Government related to the Spent Nuclear Fuel. Specifically, the Spent Nuclear Fuel settlement represents reimbursement for incremental costs incurred by FPL because the U.S. Department of Energy failed to meet its obligations. The disclosure of this detailed information on FPL's current and planned fuel-storage expenditures, as well as the specifics of its expected reimbursements would impair the efforts of FPL to contract for good and services on favorable terms. This information is protected by Section 366.093(3) (d). Disclosure of certain of the information also would place FPL at a competitive disadvantage. 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: Jamais 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 17th day of September, 2009, to the following:

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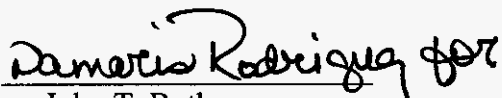
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Co-Counsel for FIPUG

By: 
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 18, 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 responses to staff's 6th set of Interrogatories, No. 54, 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.

DOCUMENT NUMBER - DATE
09695 SEP 18 09
FPSC - COMMISSION CLERK

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