



Ilan Kaufer
Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5675
(561) 691-7135 (Facsimile)

September 23, 2009

VIA HAND DELIVERY

Ms. Ann Cole
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

Re: Docket No. 090001-EI

RECEIVED-FPSC
09 SEP 23 PM 3:25
COMMISSION
CLERK

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification of Short Term Capacity Payment Information and Corporate Security Investigative Report.

Included herewith is a Revised Exhibit D, which contains copies of the affidavits in support of FPL's request. The original affidavits will be provided in a separate transmittal. Also included is a compact disc containing FPL's Request for Confidential Classification (without the exhibit) in word processing format.

Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

Ilan G. Kaufer
for
Ilan G. Kaufer
Attorney for
Florida Power & Light Company

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Enclosures
cc: parties of record, w/out exhibit

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 090001-EI

Filed: September 23, 2009

**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF SHORT TERM CAPACITY PAYMENT AND
CORPORATE SECURITY INVESTIGATIVE REPORT**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006(3), Florida Administrative Code, and Section 366.093 of the Florida Statutes, submits its First Request for Extension of Confidential Classification of the Corporate Security Investigative Report contained in Exhibit TOJ-1 to the prepared testimony of FPL witness T.O. Jones as well as certain information on short term capacity payments contained in schedule E12 of Appendix II to the prepared testimony of FPL witness K.M. Dubin (the "Confidential Information"). In support of its request, FPL states as follows:

1. On September 4, 2007, FPL requested confidential classification of the Confidential Information. That request was granted by Order No. PSC-08-0165-CFO-EI.
2. FPL incorporates its September 4, 2007 Request, and the exhibits attached thereto, herein by reference. Additionally, included with this request is a Revised Exhibit D, containing the affidavits of Gerard Yupp and David Noznesky in support of the continued confidential classification of the Confidential Information.
3. All of the information that was the subject of FPL's September 4, 2007 Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. This material is intended to be and is treated by

FPL as confidential and has not been 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 indicated in the affidavit included as Revised Exhibit D, certain of the information that FPL asserts is proprietary and confidential business information relates to the Corporate Security Investigative Report. The report is confidential because it relates to security and, if made public, would disclose certain details about FPL's security measures, system or procedures to the detriment of FPL. Such information is protected from public disclosure by Section 366.093(3)(c), Florida Statutes. Certain of the information provided by FPL also includes information relating to pricing for short term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Such information is protected from public disclosure pursuant to Sections 366.093(3)(d). Certain of the information provided by FPL also includes information relating to suppliers from whom FPL purchases, or has considered purchasing capacity. The disclosure of this information would impair FPL's and/or the suppliers' competitive business. Such information is protected from public disclosure by Section 366.093(3)(e), Florida Statutes.

5. Nothing has changed since the issuance of Order No. PSC-08-0165-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Accordingly, FPL requests that this information be accorded confidential classification for an additional eighteen (18) month period. FPL further requests that the

information be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. See § 366.093(4), Fla. Stat.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included with this request, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler
Managing Attorney
Ilan Kaufer
Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Tele: (561) 304-5675
Fax: (561) 691-7135

By: 

Ilan Kaufer

Fla. Bar No. 0065394

CERTIFICATE OF SERVICE
Docket No. 090001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery* or U.S. Mail on the 23rd day of September, 2009, to the following:

Lisa Bennett, Esq. *
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.
Steve Burgess, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

John W. McWhirter, Jr., Esq.
McWhirter Reeves
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33601

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

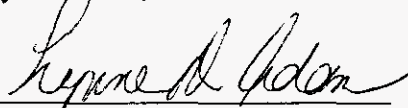
Michael B. Twomey, Esq.
Attorney for AARP
Post Office Box 5256
Tallahassee, Florida 32314-5256

Office of Attorney General
Cecilia Bradley
Capitol-PL 01
Tallahassee, FL 32399-1050

James W. Brew
Brickfield, Burchette, Ritts & Stone, The P.C
1025 Thomas Jefferson Street, NW
Eight Floor, West Tower
Washington, DC 2007-5201

R Scheffel Wright/ John Lavia
Florida Retail Federation
225 South Adams Street # 200
Tallahassee, FL 32301

Shayla L. McNeill, Capt. USAF
Karen S. White
AFLSA/JACL-ULT
Atty for the Federal Executive Agencies
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

By: 
Ilan G. Kaufer
Fla. Bar. No. 0065394

REVISED EXHIBIT D

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery)
Clause with generating performance)
Incentive factor.)

Docket 090001-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF GERARD YUPP

BEFORE ME, the undersigned authority, personally appeared Gerard Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the document for which I am listed as Affiant in Exhibit C and which is included in Exhibit A to FPL's Request for Confidential Classification of Short Term Capacity Payment Information and Corporate Security Investigative Report. The information in said document contains or constitutes supplier specific information regarding contract prices, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Certain of the information also relates to the competitive interests of FPL and of suppliers from whom FPL purchases or has considered purchasing capacity, the disclosure of which would impair FPL's and/or the suppliers' competitive business. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. No significant changes have occurred since the issuance of Order No. 08-0165-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least eighteen (18) months. These materials 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.

4. Affiant says nothing further.

Gerard Yupp

Gerard Yupp

SWORN TO AND SUBSCRIBED before me this 23rd day of September 2009, by Gerard Yupp, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Jacqueline S. Bussey

Notary Public, State of Florida

My Commission Expires:

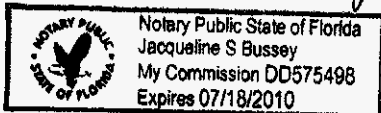


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery)
Clause with generating performance)
Incentive factor.)

Docket 090001-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF DAVID NOZNESKY


BEFORE ME, the undersigned authority, personally appeared David Noznesky who, being first duly sworn, deposes and says:

1. My name is David Noznesky. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Corporate Security. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents for which I am listed as Affiant in Exhibit C and which is included in Exhibit A to FPL's Request for Confidential Classification of Short Term Capacity Payment Information and Corporate Security Investigative Report. The information in said documents contains or constitutes data related to FPL's internal security measures, the disclosure of which would work to the detriment of FPL, its customers, and the general public. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. No significant changes have occurred since the issuance of Order No. 08-0165-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least eighteen (18) months. These materials 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.

4. Affiant says nothing further.



David Noznesky

SWORN TO AND SUBSCRIBED before me this 23rd day of September 2009, by David Noznesky, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires:

