



Jessica Cano
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5226
(561) 691-7135 (Facsimile)

July 28, 2010

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

RECEIVED - FPSC
10 JUL 28 PM 3:31
COMMISSION
CLERK

Re: Docket No. 100009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its Request for Confidential Classification of Portions of the Testimony of Dr. William Jacobs. The original includes Exhibit A through D. The seven (7) copies include Exhibits B through D only.

Exhibit A consists of the confidential page of testimony, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C is a justification table supporting FPL's Request for Confidential Classification. Exhibit D contains the affidavit of Terry Jones in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

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

Sincerely,

Jessica A. Cano
Jessica A. Cano

Request for CC and
ICD Forwarded with Exhibit C
Enclosures
cc: Parties of Record (w/out enc.)

- COM _____
- APA _____
- ECR 3
- GCL _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK *Pend*

an FPL Group company

- ___ CLAIM OF CONFIDENTIALITY
- ___ NOTICE OF INTENT
- REQUEST FOR CONFIDENTIALITY
- ___ FILED BY OPC

FOR DN 100157-10, WHICH IS IN LOCKED STORAGE. YOU MUST BE AUTHORIZED TO VIEW THIS DN. - CLK

DOCUMENT NUMBER-DATE

06156 JUL 28 09

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 100009-EI
Filed: July 28, 2010

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
PORTIONS OF THE TESTIMONY OF DR. WILLIAM R. JACOBS**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of portions of the testimony of Dr. William R. Jacobs filed by the Office of Public Counsel ("OPC"). In support of its request, FPL states as follows:

1. On July 8, 2010 FPL filed a Notice of Intent to Request Confidential Classification of certain lines of Dr. Jacobs's testimony. Pursuant to Rule 25-22.006(3)(a), FPL has 21 days from the date of filing its Notice of Intent to file a Request for Confidential Classification. FPL is filing this request pursuant to Rule 25-22.006(3)(a) and Rule 25-22.006(4), Florida Administrative Code.

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

a) Exhibit A is the confidential page of Dr. Jacobs's testimony, with the confidential portions highlighted.

b) Exhibit B is a redacted copy of the confidential page, with the confidential portions blacked out.

c) Exhibit C is a table identifying the specific page and line numbers that are confidential, 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 Terry Jones in support of this request.

3. FPL submits that the 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 its confidentiality has been maintained. 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. 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.

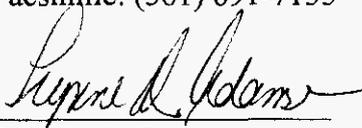
4. As the affidavit included in Exhibit D indicates, the information provided by FPL contains competitively sensitive information that will be used in negotiations with vendors. Public disclosure of this information would impair FPL's negotiations with vendors for favorable contract terms, to the ultimate detriment of FPL's customers. Such information is protected by Section 366.093(3)(d) and Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the information included 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), Fla. Stat.

WHEREFORE, FPL respectfully requests confidential classification of the confidential portions of Dr. Jacobs's testimony as described herein.

Respectfully submitted,

Jessica A. Cano
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By: 

Jessica A. Cano
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 100009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification of Portions of the Testimony of Dr. William Jacobs (without attachments), was served by U.S. Mail this 28th day of July, 2010 to the following:

Anna Williams, Esq.
Lisa Bennett, Esq.
Keino Young, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
LBENNETT@PSC.STATE.FL.US
KYOUNG@PSC.STATE.FL.US
ANWILLIA@PSC.STATE.FL.US

J. R. Kelly, Esq.
Charles Rehwinkel, Esq.
Joseph McGlothlin
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
mcglathlin.joseph@leg.state.fl.us
Kelly.jr@leg.state.fl.us
Rehwinkel.Charles@leg.state.fl.us

J. Michael Walls, Esq.
Blaise Huhta, Esq.
Carlton Fields Law Firm
P.O. Box 3239
Tampa, Florida 33601-3239
mwalls@carltonfields.com
bhuhta@carltonfields.com
Attorneys for Progress

Dianne M. Triplett, Esq.
Progress Energy Florida
229 1st Avenue N PEF-152
St. Petersburg, Florida 33701
dianne.triplett@pgnmail.com
Attorney for Progress

Jon C. Moyle, Jr., Esq.
Vicki Gordon Kaufman, Esq.
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com
Attorneys for FIPUG

John W. McWhirter, Jr., Esq.
Davidson McWhirter, P.A.
PO Box 3350
Tampa, Florida 33601
jmcwhirter@mac-law.com
Attorney for FIPUG

R. Alexander Glenn, Esq.
John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
alex.glenn@pgnmail.com
Attorneys for Progress

James W. Brew, Esq.
F. Alvin Taylor, Esq.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com
Attorneys for PCS Phosphate

Randy B. Miller
White Springs Agricultural Chemicals, Inc.
Post Office Box 300
15843 Southeast 78th Street
White Springs, Florida 32096
RMiller@pcsphosphate.com

Captain Shayla L. McNeill
Air Force Legal Operations Agency (AFLOA)
Utility Litigation Field Support Center (ULFSC)
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319
shayla.mcneill@tyndall.af.mil

Mr. Paul Lewis, Jr.
106 East College Ave., Suite 800
Tallahassee, Florida 32301-7740
paul.lewisjr@pgnmail.com

Gary A. Davis, Esq.
James S. Whitlock, Esq.
Gary A. Davis & Associates
P.O. Box 649
Hot Springs, NC 28743
Gadavis@enviroattorney.com
jwhitlock@enviroattorney.com
Attorneys for SACE

By: 
Jessica A. Cano
Florida Bar No. 0037372

REDACTED

EXHIBIT B

DOCUMENT NUMBER-DATE

36156 JUL 28 9

FPSC-COMMISSION CLERK

1 Q. WHAT IS THE RESULT OF HIGH BRIDGE'S INDEPENDENT
2 ESTIMATE?

3 A. The High Bridge estimate is only for Turkey Point Unit 3. It is about [REDACTED]
4 [REDACTED] FPL's estimate. The estimate applies to only [REDACTED]
5 projects at Unit 3 because the other projects are not sufficiently well defined
6 to estimate. [REDACTED]

7
8 Q. IF YOU APPLIED THIS SAME PERCENTAGE INCREASE TO THE
9 ENTIRE EPU PROJECT, WHAT WOULD BE THE ESTIMATED
10 COST FOR THE ENTIRE PROJECT?

11 A. Mr. Jones has stated that the High Bridge estimate is about a [REDACTED]
12 [REDACTED] for the Turkey Point 3 BPU project. [REDACTED] to
13 FPL's \$2.3 billion top of the range estimate for the BPU projects on all four
14 units would [REDACTED]

15
16 Q. IS FPL'S CURRENT METHODOLOGY FOR DETERMINING THE
17 ECONOMIC FEASIBILITY OF A PROJECT IN WHICH THE SUNK
18 COSTS ARE IGNORED APPROPRIATE FOR A PROJECT WITH
19 INCREASING COSTS?

20 A. No, it is not. Since sunk costs are ignored, the cost to complete a project
21 could remain constant if the estimated cost of the project is increasing at the
22 same rate that funds are expended on the project. Since the estimated cost to
23 complete remains constant, the test would indicate continuing feasibility of

EXHIBIT C

DOCUMENT NUMBER-DATE

06156 JUL 28 9

FPSC-COMMISSION CLERK

Exhibit C

Company: Florida Power and Light Company

Title: Direct Testimony of William R. Jacobs., Ph.D. on behalf of the Citizens of the State of Florida

Docket No.: 100009-EI

Document	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
Direct Testimony of William R. Jacobs, Jr., Ph.D., page 9	1	Y	Lines 3, 4, 6, 11, 12, 14	(d), (e)	Terry O. Jones

EXHIBIT D

DOCUMENT NUMBER-DATE

06156 JUL 28 9

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 100009-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF TERRY O. JONES

BEFORE ME, the undersigned authority, personally appeared Terry O. Jones who, being first duly sworn, deposes and says:

1. My name is Terry O. Jones. I am currently employed by Florida Power & Light Company ("FPL") as Vice President, Nuclear Power Uprate. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included with FPL's Request for Confidential Classification of information contained in the testimony of Dr. William Jacobs on behalf of the Office of Public Counsel. The documents that I have reviewed contain proprietary confidential business information which, if disclosed, would work to the detriment of FPL's competitive interests and impair FPL's efforts to negotiate with vendors for favorable contract terms on behalf of its customers. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

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.

4. Affiant says nothing further.

Terry Jones

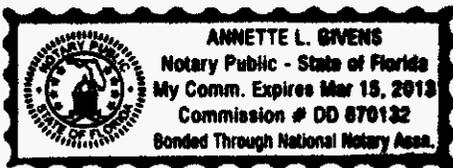
Terry O. Jones

SWORN TO AND SUBSCRIBED before me this 27 day of July 2010, by Terry O. Jones, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Annette L. Givens

Notary Public, State of Florida

My Commission Expires:



State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

Jessica Cano
700 Universe Blvd
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 100009-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on July 28, 2010, in the above-referenced docket.

Document Number 06156-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.