

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: August 19, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Lisa Bennett, Senior Attorney, Office of the General Counsel *LCB*
RE: Docket No. 100009-EI, Nuclear cost recovery clause.

Please place the attached correspondence in the docket file, Docket No. 100009-EI

LCB

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Lisa Bennett

From: Cano, Jessica [Jessica.Cano@fpl.com]

Sent: Thursday, August 19, 2010 2:21 PM

To: Lisa Bennett; Keino Young; Anna Williams; mcglathlin.joseph@leg.state.fl.us; Kelly.jr@leg.state.fl.us; Charles Rehwinkel; mwalls@carltonfields.com; bhuhta@carltonfields.com; dianne.triplett@pgnmail.com; vkaufman@kagmlaw.com; jmoyle@kagmlaw.com; jmcwhirter@mac-law.com; john.burnett@pgnmail.com; alex.glenn@pgnmail.com; jbrew@bbrslaw.com; ataylor@bbrslaw.com; RMiller@pcsphosphate.com; paul.lewisjr@pgnmail.com; shayla.mcneill@tyndall.af.mil; Gadavis@enviroattorney.com; jwhitlock@enviroattorney.com

Subject: Docket No. 100009-EI; FPL's Confidentiality Requests

All,

Please take note that FPL is willing to withdraw its request for confidential classification of the disputed portions of Staff's Internal Controls Audit Report listed on Attachment B to Staff's Issues List filed August 11th, with the exception of item C) (page 22, lines 1-10 on Document No. 05781-10 / page 18 on Document No. 05924-10) which includes commercially sensitive Bechtel information.

With respect to item C), FPL agrees to an alternative redaction approach provided by Staff, which reduces the number of words for which confidentiality is requested. FPL also agrees to a more limited redaction on the bottom of page 15 of Document No. 05924-10 suggested by Staff.

FPL's offer to withdraw its request for confidential classification on the disputed portions of Staff's Audit Report as described above is contingent upon cancellation of tomorrow's hearing.

With respect to the other items listed on page 1 of Staff's Issues List, FPL notes that Staff's Interrogatories Nos. 39-43 and FPL's responses to Nos. 39-43 have already been made public by FPL. Additionally, Interrogatory No. 44 and FPL's response, with the exception of one contractual dollar value, are public. FPL maintains that the remainder of Staff's 7th set of interrogatories, Staff's 4th request for production of documents, FPL's responses thereto, and the Concentric Report itself are confidential and should be maintained as such. FPL understands that these items will still be subject to a later determination of confidential classification.

It is FPL's position that all of the information described herein, including the portions of the Staff's Internal Controls Audit Report listed on Staff's Attachment B, are properly classified as confidential. FPL is making this one-time offer of withdrawal of confidentiality requests identified in the first and second paragraphs above solely in the interests of reaching a reasonable accommodation under these particular circumstances, and does not waive FPL's claims with respect to confidentiality of the referenced information in the event that the scheduled confidentiality hearing proceeds.

Sincerely,

Jessica A. Cano
Principal Attorney

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
(561) 304-5226

8/19/2010

