



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

September 22, 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

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

FOR DN 07944-10, WHICH
 IS IN LOCKED STORAGE. YOU MUST BE
 AUTHORIZED TO VIEW THIS DN. - CLK

RECEIVED-PRSC
 10 SEP 22 PM 12:25
 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 Revised Request for Confidential Classification of Portions of the Testimony of Dr. William Jacobs. The original includes Revised Exhibit A through Revised Exhibit C. The seven (7) copies include Revised Exhibits B and C only.

Revised Exhibit A consists of the confidential page of testimony, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Revised Exhibit B is an edited version of Revised Exhibit A, in which the information FPL asserts is confidential has been redacted. Revised Exhibit C is a justification table supporting FPL's Request for Confidential Classification. Exhibit D, containing the affidavit of Terry Jones in support of FPL's Request for Confidential Classification, has not been revised and is incorporated with this filing by reference. 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.

1 CD containing request, and exhibit c also forwarded.

Sincerely,

Jessica Cano
 Jessica A. Cano

- COM _____
- APA 1
- ECR 3
- GCL 1
- RAD 1
- SSC _____
- ADM _____
- OPC _____
- CLK Jeno

Enclosures
 cc: Parties of Record (w/out enc.)

RECEIVED DATE
 7943 SEP 22 0
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 100009-EI
Filed: September 22, 2010

**FLORIDA POWER & LIGHT COMPANY'S REVISED
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 28, 2010, FPL filed a Request for Confidential Classification of certain lines on page 9 of Dr. Jacobs's testimony. That request included a highlighted and redacted copy of page 9 from the confidential version of Dr. Jacobs's testimony. As Staff noted in a memorandum dated July 30, 2010 (document number 06401-10), the confidential version of page 9 attached to FPL's Request for Confidential Classification did not look identical to the public version of page 9 filed by the Office of Public Counsel (document number 05596-10).¹

2. In response to Staff's concern, FPL requested and OPC provided to FPL a confidential version of Dr. Jacobs's testimony that is formatted the same as the public version. FPL hereby revises its request for confidential classification to reflect the reformatted confidential testimony. A few words previously identified as confidential have also been eliminated from FPL's request.

¹ The public version included insertions that read "****BEGIN CONFIDENTIAL SECTION****" before each confidential section and "****END CONFIDENTIAL SECTION****" after each confidential section. The confidential version of Dr. Jacobs's testimony did not include these insertions.

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FPSC-COMMISSION CLERK

3. The following exhibits are included with and made a part of this revised request:
 - a) Revised Exhibit A is the confidential page of Dr. Jacobs's testimony, with the confidential portions highlighted.
 - b) Revised Exhibit B is a redacted copy of the confidential page, with the confidential portions blacked out.
 - c) Revised 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 included with FPL's July 28, 2010 Request for Confidential Classification, which is incorporated herein by reference.

4. 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.

5. 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.

6. 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. Further, FPL hereby requests that the Commission return the original confidential Attachment A (document number 06157-10) that is being superseded by the Revised Attachment A provided herewith.

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 Cano
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 Revised Request for Confidential Classification of Portions of the Testimony of Dr. William Jacobs (without attachments), was served by U.S. Mail this 22nd day of September, 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
mcglothlin.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

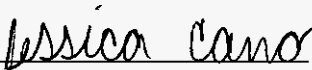
James W. Brew, Esq.
F. Alvin Taylor, Esq.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com
Attorneys for PCS Phosphate

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

REVISED EXHIBIT B

REC'D BY: [illegible] - DATE:

7943 SEP 22 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
4 ~~CONFIDENTIAL SECTION~~ ~~CONFIDENTIAL SECTION~~
5 ~~CONFIDENTIAL SECTION~~ FPL's estimate. The estimate applies to
6 ~~CONFIDENTIAL SECTION~~ only ~~CONFIDENTIAL SECTION~~ projects at
7 Unit 3 because the other projects are not sufficiently well defined to estimate.

8 ~~CONFIDENTIAL SECTION~~
9 ~~CONFIDENTIAL SECTION~~

10
11 Q. IF YOU APPLIED THIS ~~CONFIDENTIAL SECTION~~
12 SAME PERCENTAGE INCREASE ~~CONFIDENTIAL SECTION~~
13 ~~CONFIDENTIAL SECTION~~ TO THE ENTIRE EPU PROJECT, WHAT WOULD BE
14 THE ESTIMATED COST FOR THE ENTIRE PROJECT?

15 A. Mr. Jones has stated that the High Bridge estimate is about a ~~CONFIDENTIAL SECTION~~
16 ~~CONFIDENTIAL SECTION~~ ~~CONFIDENTIAL SECTION~~
17 ~~CONFIDENTIAL SECTION~~ FPL's estimate for the Turkey Point 3 EPU
18 project. ~~CONFIDENTIAL SECTION~~ ~~CONFIDENTIAL SECTION~~ to
19 ~~CONFIDENTIAL SECTION~~ FPL's \$2.3 billion top of the range
20 estimate for the EPU projects on all four units would ~~CONFIDENTIAL SECTION~~
21 ~~CONFIDENTIAL SECTION~~ ~~CONFIDENTIAL SECTION~~ to the EPU
22 cost. ~~CONFIDENTIAL SECTION~~

23

Revised 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 4, 6, 8, 16, 18, 21	(d), (e)	Terry O. Jones

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 September 22, 2010, in the above-referenced docket.

Document Number 07944-10 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.