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November 8, 2010

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VIA HAND DELIVERY

Ms. Ann Cole
 Commission Clerk
 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 *extension*
 filed by OPC

Re: Docket No. 100001-EI

For DN 07118-08, which
 is in locked storage. You must be
 authorized to view this DN.-CLK

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 certain information contained in the Hedging Information Report (Exhibit GJY-2). The original includes Revised Exhibit C and Revised Exhibit D. Revised Exhibits C and D are intended to replace Exhibits C and D, which were filed with FPL's August 11, 2008 Request for Confidential Classification of Certain Information Contained in Hedging Information Report (Exhibit GJY-2).

Revised Exhibit C consists of a table containing the specific line and page references to the confidential materials for which confidential treatment is sought, and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification. Revised Exhibit D contains one affidavit in support of FPL's First Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification and Revised Exhibit C only, in Microsoft Word format.

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

Sincerely,

Ilan G. Kaufer
 Attorney for
 Florida Power & Light Company

- COM _____
- APA 1
- ~~ECR~~ 3 + CD (CD contains request + revised Exh C only)
- GCL 1
- RAD 1
- SSC _____
- ADM _____
- OPC _____
- CLK Perla

Enclosures
 cc: Counsel of parties of record, w/out exhibits

DOCUMENT NUMBER-DATE

09236 NOV-8 0

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 100001-EI
Filed: November 8, 2010

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION
CONTAINED IN THE HEDGING INFORMATION REPORT (EXHIBIT GJY-2)**

NOW BEFORE THIS COMMISSION, through the undersigned counsel, Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, hereby submits its First Request for Extension of Confidential Classification of certain information on fuel hedging activities and market comparisons that is contained in Exhibit GJY-2 (the "Hedging Information Report"), which was filed in Docket 080001-EI, a predecessor to this docket. In support of this First Request for Extension of Confidential Classification, FPL states as follows:

1. On August 11, 2008, FPL filed its Request for Confidential Classification of certain information contained in the Hedging Information Report, along with Exhibits A through D. FPL adopts and incorporates by reference its August 11, 2008 Request and Exhibits.
2. By Order No. PSC-09-0305-CFO-EI, dated May 7, 2009, the Commission granted FPL's August 11, 2008 Request.
3. The period of confidential treatment granted by Order No. PSC-09-0305-CFO-EI will soon expire. All of the information that was the subject of FPL's August 11, 2008 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

DOCUMENT NUMBER-DATE
09236 NOV-8 09
FPSC-COMMISSION CLERK

4. Included herewith and made a part hereof is a Revised Exhibit C and Revised Exhibit D. Revised Exhibit C consists of a table containing the specific line and page references to the confidential materials for which confidential treatment is sought, and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification. Revised Exhibit D contains the affidavit of Gerard J. Yupp in support of this request. Revised Exhibit C and Revised Exhibit D are intended to replace Exhibits C and D, which were filed with FPL's August 11, 2008 Request.

5. FPL submits that the information identified in Revised Exhibit C ("Confidential Information") continues to be proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, Florida Statutes, such materials are entitled to confidential treatment and are 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.

6. As the affidavit included in Exhibit D indicates, the information contained in the Hedging Information Report contains or constitutes trade secrets of FPL, which allow FPL to hedge its fuel purchases on favorable terms for FPL and its customers. The disclosure of this trade secret information would provide other market participants insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decision,

and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. Such information is protected by Section 366.093(3)(a), F.S.

7. The documents or materials also contain or constitute information regarding details related to FPL's annual hedging program for natural gas and fuel oil. The information contains monthly realized values for FPL's hedge positions and the resulting impact on the cost of natural gas and fuel oil. The disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers, and would impair the competitive interests of FPL. Disclosure of certain of the information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available. Such information is protected by Sections 366.093(3)(d) and 366.093(3)(e), Florida Statutes.

8. Nothing has changed since the filing of FPL's August 11, 2008 request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

9. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler, Managing Attorney
Scott A. Goorland, Principal Attorney
Ilan G. Kaufer, Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5675
Facsimile: (561) 691-7135

By:



Ilan G. Kaufer
Florida Bar No. 65394

CERTIFICATE OF SERVICE
DOCKET NO. 100001-EI

I HEREBY CERTIFY that a true and correct copy of this Request for Confidential Classification (without exhibits) was served via hand delivery* and/or by U.S. mail this 8th day of November, 2010 to the following:

<p>Lisa Bennett, Esq.* Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 LBENNETT@PSC.STATE.FL.US</p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 Kelly.jr@leg.state.fl.us Christensen.patty@leg.state.fl.us beck.charles@leg.state.fl.us</p>
<p>James D. Beasley, Esq J. Jeffrey Wahlen, Esq. Ausley & McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 jbeasley@ausley.com jwahlen@ausley.com</p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 john.burnett@pgnmail.com</p>
<p>John W. McWhirter, Jr., Esq McWhirter & Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 jmcwhirter@mac-law.com</p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 Beth.keating@akerman.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power 501 Commendancia Street Pensacola, FL 32502 jas@beggslane.com rab@beggslane.com</p>	<p>James W. Brew, Esq Attorney for White Springs Brickfield, Burchette, Ritts & Stone, The P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 jbrew@bbrslaw.com</p>

<p>Robert Scheffel Wright, Esq Jay T. LaVia, III, Esq Young van Assenderp, P.A Attorneys for Florida Retail Federation and City of Marianna 225 South Adams Street, Suite 200 Tallahassee, FL 32301 swright@yvlaw.net jlavia@yvlaw.net</p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq. Keefe, Anchors Gordon & Moyle, P.A. 118 N. Gadsden St. Tallahassee, FL 32301 Co-Counsel for FIPUG vkaufman@kagmlaw.com jmoyle@kagmlaw.com</p>
<p>Cecilia Bradley, Esq. Senior Assistant Attorney General Office of the Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050 cecilia.bradley@myfloridalegal.com</p>	<p>Michael Barrett Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 MBARRETT@PSC.STATE.FL.US</p>
<p>Captain Shayla L. McNeill Attorney for the FEA AFLOA/JACL-ULFSC 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 Shayla.mcneill@tyndall.af.mil</p>	<p>Patrick K. Wiggins, Esq. Attorneys for AFFIRM P.O. Drawer 1657 Tallahassee, FL 32302 wigglaw@gmail.com</p>

By: 

Ilan G. Kaufer
Fla. Bar No. 65394

REVISED EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO: 080001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause
SUBJECT: Fuel Hedging Report
DATE: November 8, 2010

Document	Page No.	Description	No. of Pages	Conf. Y/N	Line No./Column No.	Florida Statute 366.093 (3) Subsection	Affiant
Hedging Information Report (GJY-2)	1 and 2	FPL Natural Gas Heavy Oil Procurement (Totals for Period)	1	Y	Lines 4-9, Col C-E, Lines 4-8, Col F and Line 12 Col C and D	(a), (d), (e)	G. Yupp
GJY-2	3 through 16	FPL Natural Gas Procurement (Monthly Results)	14	Y	Lines 4-9, Col C-F	(a), (d), (e)	G. Yupp

DOCUMENT NUMBER-DATE

09236 NOV-8 2010

REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery)
Clause with Generating Performance)
Incentive Factor)
_____)

DOCKET NO. 100001-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF GERARD J. YUPP

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

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

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of certain information contained in the Fuel Hedging Information Report (Exhibit GJY-2). The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain or constitute data pertinent to FPL's procurement activities and hedging program. The documents contain or constitute trade secrets of FPL, which allow FPL to hedge its fuel purchases on favorable terms for FPL and its customers. The disclosure of this trade secret information would provide other market participants insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions, and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers.

3. The documents or materials also contain or constitute information regarding details related to FPL's annual hedging program for natural gas and fuel oil. The information contains monthly realized values for FPL's hedge positions and the resulting impact on the cost of natural gas and fuel oil. The disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers, and would impair the competitive interests of FPL. Disclosure of certain of the information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available.

4. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

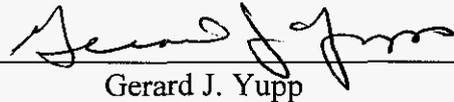
5. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

DOCUMENT NUMBER-DATE

9236 NOV-8 9

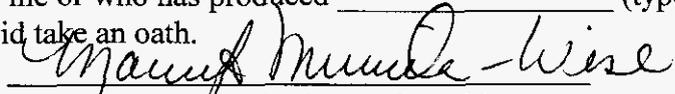
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6. Affiant says nothing further.



Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 5th day of November 2010, by Gerard J. Yupp, 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:

