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COMMISSION
 CLERK

November 30, 2010

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

For DN 09638-10, which
 is in locked storage. You must be
 authorized to view this DN.-CLK

Re: Docket No. 100405-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification of Certain Information Provided in Response to Staff's Second Data Request. The original includes Exhibits A through D.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is provided in a separate envelope marked "Exhibit A - Confidential." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains one affidavit 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.

COM _____ Please contact me if you or your Staff has any questions regarding this filing.
 APA _____
 ECR of ICD containing request and exhibit C. (09637-10)
 GCL _____
 RAD _____
 SSC _____
 ADM _____
 OPC _____
 CLK

Sincerely,

 Kenneth M. Rubin
 Senior Attorney
 Florida Power & Light Company

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

DOCUMENT NUMBER-DATE

09637 NOV 30 0

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Florida Power & Light)
Company for Authority to Issue and Sell)
Securities During the Calendar Year 2011)
Pursuant to Section 366.04, Florida Statutes and)
Chapter 25-8, Florida Administrative Code)

Docket No. 100405-EI

Filed: November 30, 2010

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION
PROVIDED IN RESPONSE TO STAFF'S SECOND DATA REQUEST**

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 Request for Extension of Confidential Classification of certain information provided to the Staff of the Florida Public Service Commission ("Staff") in response to Questions 1, 3, and 4 of Staff's Second Data Request dated November 2, 2010. In support of this Request for Confidential Classification, FPL states as follows:

1. On November 9, 2010 FPL filed a Notice of Intent to Request Confidential Classification of a portion of the above referenced discovery and FPL's responses (the "Confidential Information"). 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 herewith and made a part hereof:

a. Exhibit A consists of the documents for which FPL seeks confidential treatment. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of edited versions of the documents for which FPL seeks confidential treatment. All information for which FPL requests confidential treatment has been redacted in Exhibit B.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential treatment is sought and, with regard to each document or portion thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D includes the affidavit of Gregory T. Hanlon in support of this request.

3. FPL submits that the Confidential Information is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. Section 366.093(3), Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been publicly disclosed. 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 section 119.07(1), Florida Statutes. 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 Revised Exhibit D indicates, the materials contain information relating to competitive interests, the disclosure of which would impair the


competitive business of the provider of the information. Specifically, the documents or materials contain specific financial data and estimated market share information, the disclosure of which would give FPL Services, LLC's ("FPLS LLC's") competitors an unfair advantage in the marketplace. Competitors' financial information of similar nature is not typically available or accessible in the marketplace. By examining this confidential financial information and estimated market share information, competitors could gain understanding of FPLS LLC's business models. Such information is protected by Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the Confidential Information remains proprietary and 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 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,

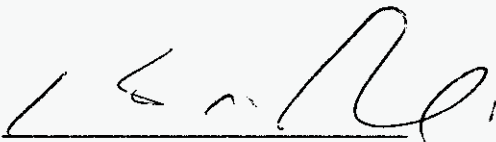
Kenneth M. Rubin, Senior Attorney
Ilan G. Kaufer, Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-2512
Facsimile: (561) 691-7135

By: 
Kenneth M. Rubin
Florida Bar No. 349038

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Request for Confidential Classification (without exhibits) was served via hand delivery this 30th day of November, 2010 to the following:

Katherine Fleming, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400

By: 
Kenneth M. Rubin
Florida Bar No. 349038

ATTACHMENT "A"

**CONFIDENTIAL
FILED UNDER SEPARATE COVER**

ATTACHMENT "B"

EDITED VERSION

DOCUMENT NUMBER-DATE

09637 NOV 30 20

FPSC-COMMISSION CLERK

1 **FPL's Response to Staff's Second Data Request**

2 **Docket No. 100405-EI - Application for Authority to Issue and Sell Securities During**
3 **Calendar Year 2011 pursuant to Section 366.04, F.S., and Chapter 25-8, F.A.C., by**
4 **Florida Power & Light Company.**

5 **Question 1:**

6 Please explain or describe whether FPL Services LLC could gain an unfair advantage in the
7 marketplace if its financing needs are provided through FPL.

8 **FPL Response:**

9 As described in FPL's response to FPSC Staff Question 4 below, FPL Services LLC ("FPLS
10 LLC") receives financing support from its parent company FPL on an as-needed basis. That
11 support takes the form of short-term working capital funding and infrequent parent guarantees
12 that certain governmental customers sometimes require to support FPLS LLC's energy
13 efficiency savings guarantees. Such financing support from FPL does not provide FPLS LLC
14 with any unfair advantage vis-à-vis the broadly-competitive energy services company
15 ("ESCO") marketplace in which FPLS LLC participates. Indeed, many of the other
16 participants in the ESCO market are strong Fortune 500 companies with an established
17 national presence and significantly more resources than FPLS LLC, some of which are
18 identified in FPL's response to FPSC Staff Question 2 below. Additionally, FPL LLC
19 estimates that it holds a relatively small market share position within FPL's service territory of
20 approximately [REDACTED]. These facts illustrate that FPLS LLC does not have any unfair advantage
in the market place, nor does it expect to gain any unfair advantage in the market place,
resulting from financing support provided by FPL.

Question 2:

Please identify and name the competitors of FPL Services LLC.

FPL Response:

The competitors of FPLS LLC include, but are not limited to, the following major market participants: Ameresco, Inc., BGA, Inc., Chevron Energy Solutions, Honeywell, Johnson Controls, Inc., Siemens Building Technologies, Inc., Schneider Electric Building Americas, Inc., Energy Systems Group, Constellation, ConEdison, and Trane.

1 **Question 3:**

2 Please identify and state the amounts of revenue and assets of FPL Services LLC.

3 **FPL Response:**

4 For the year ended December 31, 2009, the revenues of FPLS LLC were roughly [REDACTED]
5 As of December 31, 2009 the assets of FPLS LLC were roughly [REDACTED] consisting of
6 accounts receivable.

7 **Question 4:**

8 What is the extent of expected financing or loan guarantees by FPL for FPL Services LLC?

9 **FPL Response:**

10 FPL provides FPLS LLC with short term working capital to fund its day-to-day operations.
11 FPLS LLC bills customers at project milestones, and the revenues recovered through these
12 payments are included above the line. All customer payments to FPLS LLC are deposited
13 into FPL's general fund and are invested or utilized as needed by FPL for the benefit of FPL
14 customers.

15 FPL does not provide and does not expect to provide FPLS LLC with loan guarantees. On
16 certain infrequent occasions, FPL does provide FPLS LLC with performance guarantees in
17 connection with energy savings projects (in particular, when serving governmental
18 customers). FPLS LLC anticipates that it will have approximately [REDACTED] in energy
19 savings guarantees in place by year-end 2010, and will have an additional approximately
20 [REDACTED] in guarantees in place by year-end 2011.

Question 5:

At what point does FPL estimate that financing support from FPL for unregulated subsidiaries could adversely affect FPL's credit profile?

FPL Response:

All revenues and expenses of FPL's subsidiaries (with one exception discussed below¹) are rolled up into FPL's financial records, recorded above the line on the books of FPL, and included for ratemaking, regulatory assessment fees, and earnings surveillance purposes. Thus, all such FPL subsidiaries aside from the one recent exception as noted in

¹ FPL Historical Museum, Inc. presently remains a subsidiary of FPL. However, following FPL's last rate case, the financial treatment of all expenses associated with this subsidiary have been moved below the line. Ultimately this subsidiary will become a subsidiary of NextEra Energy, Inc.

footnote 1 (including FPLS LLC) are subsidiaries regulated by the FPSC². Since FPL does not provide financing support for unregulated subsidiaries, questions concerning the credit impact of financing support for unregulated subsidiaries do not pertain to FPL.

Question 6:

Please explain or describe the benefits to FPL and its customers of having FPL Services LLC as a subsidiary of FPL and having FPL provide for the financing of FPL Services LLC as opposed to having FPL Services LLC as a subsidiary of a NextEra entity other than FPL and having the financing for FPL Services provided by a NextEra entity other than FPL.

FPL Response:

FPL and its customers benefit from having FPLS LLC as a subsidiary of FPL. FPLS LLC provides energy efficiency, water conservation and renewable energy solutions for commercial, governmental and industrial customers within FPL's service territory. In nearly all FPLS LLC projects, customers implement energy conservation measures that utilize FPL's Demand Side Management programs.

FPL customers derive additional benefit from having FPLS LLC as a subsidiary of FPL because FPLS LLC's revenues are recorded above the line on FPL's books and are included in FPL's cost of service for ratemaking purposes. Since the revenues received from FPLS LLC are received from contracts designed to recover costs plus a profit margin, FPL's customers receive the benefit associated with having the net revenues of FPLS LLC count for purposes of setting base rates, thereby lowering the utility's overall revenue requirements. Additionally, FPLS LLC's revenues were included for purposes of calculating revenue sharing amounts under the settlement agreements that governed FPL's base rates from 1999 through 2009, and they are included for purposes of calculating the regulatory assessment fee paid to the Commission.

If FPLS LLC were to become an unregulated affiliate of a NextEra entity rather than remaining a regulated subsidiary of FPL, customers would lose the positive financial impact FPLS LLC has had on rates over many years as discussed in the preceding paragraph. Furthermore, FPL customers who take advantage of the services offered by FPLS LLC would lose the convenience and efficiency of being able to work directly with their electric service provider to obtain those beneficial energy efficiency, water conservation and renewable energy services.

² This concept of "regulated subsidiary" is applied to all of FPL's responses to Staff's Second Data Request and for all purposes relative to FPL's pending Application for authority to issue and sell securities during calendar year 2011 pursuant to Section 366.04, F.S., and Chapter 25-8, F.A.C. in FPSC Docket No. 100405-EI.

Question 7:

Please state whether FPL allocates its financing costs to FPL Services LLC. If so, how?

FPL Response:

There is no allocation of FPL's financing costs; rather, FPLS LLC's revenues and expenses are included on FPL's books, which benefits FPL's customers as more fully discussed in FPL's response to FPSC Staff Question 6 above.

Question 8:

Please explain or describe how FPL accounts for, or records, financing activity, including guarantees, for unregulated subsidiaries.

FPL Response:

As noted in FPL's response to FPSC Staff Question 5, all of FPL's subsidiaries (with the one exception noted in footnote 1) are regulated subsidiaries, and as a result FPL does not provide any financing or guarantees for any unregulated subsidiary.

Question 9:

Please explain or describe whether FPL would object to the following language being included in the financing Order.

“FPL confirms with respect to the current Application that the capital raised pursuant to FPL's Application will be used solely for regulated activities of FPL and not unregulated activities of its subsidiaries or affiliates.”

FPL Response:

FPL believes the quoted language is unnecessary since any capital raised pursuant to the Application will be used in connection with the activities of FPL and FPL's regulated subsidiaries, and not in connection with the unregulated activities of FPL's non-subsidiary affiliates. As explained above, FPL does not have any unregulated subsidiaries (subject to the one recent exception noted above). As a result, FPL confirms that any capital raised pursuant to FPL's Application will only be used in connection with the activities of FPL or in connection with the activities of FPL's regulated subsidiaries.

Prior Commission Orders have addressed this specific issue with the inclusion of the following language: “In connection with this application, FPL confirms that the capital raised pursuant to the application will be used in connection with the activities of FPL

and not the unregulated activities of its affiliates.” (See for example page 8 of Order No. PSC-09-0838-FOF-EI issued December 21, 2009 in Docket No. 090494-EI and page 6 of Order No. PSC-08-0801-FOF-EI issued December 3, 2008 in Docket No.080621-EI). In the event the Commission chooses to vary from its established precedent on this point, FPL submits that the following addition would directly address the issue raised by Question 9: “In connection with this application, FPL confirms that the capital raised pursuant to the application will be used in connection with the activities of FPL and FPL’s regulated subsidiaries and not the unregulated activities of its unregulated subsidiary or affiliates.”

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Confidential Documents for Staff's Second Data Request dated November 2, 2010
DOCKET NO. 100405- EI

Document	No. of Pages	Conf. Y/N	Line No./Column No.	Florida Statute 366.093 (3) Subsection	Affiant
FPL's Response to Staff's Second Data Request	5	Y	Pg. 1, Line 20	(e)	G. Hanlon
		Y	Pg. 2, Lines 4-5, 18, and 20	(e)	G. Hanlon
		N	Pg. 3-5	N/A	

DOCUMENT NUMBER-DATE

09637 NOV 30 2010

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Florida Power & Light)
Company for Authority to Issue and Sell)
Securities During the Calendar Year 2011)
Pursuant to Section 366.04, Florida Statutes and)
Chapter 25-8, Florida Administrative Code)

Docket No. 100405-EI

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF GREGORY T. HANLON

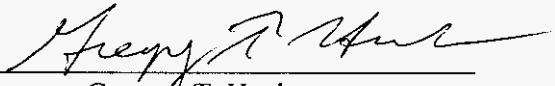
BEFORE ME, the undersigned authority, personally appeared Gregory T. Hanlon who, being first duly sworn, deposes and says:

1. My name is Gregory T. Hanlon. I am currently employed by FPL Services, LLC ("FPLS LLC") as Vice President and General Manager. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Provided in Connection with FPL's Response to Staff's Second Data Request. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the documents or materials contain specific financial data and estimated market share information, the disclosure of which would give FPLS LLC's competitors' an unfair advantage in the marketplace. Competitors' financial information of similar nature is not typically available or accessible in the marketplace. By examining this confidential financial information and estimated market share information, competitors could gain understanding of FPLS LLC's business models. Therefore, disclosure of this information would directly impair FPLS LLC's competitive interests. To the best of my knowledge, FPLS LLC 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, 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.



Gregory T. Hanlon

SWORN TO AND SUBSCRIBED before me this 29 day of November 2010, by Gregory T. Hanlon, who is personally known to me or who has produced DL H545-280-61-3270 type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires



DOCUMENT NUMBER: DATE

09637 NOV 30 0

FPSC-COMMISSION CLERK

State of Florida



Public Service Commission

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

Kenneth M. Rubin
700 Universe Blvd.
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 100405-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on November 30, 2010, in the above-referenced docket.

Document Number 09638-10 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.