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September 6, 2012

RECEIVED-FPSC  
 12 SEP - 6 PM 12:18  
 COMMISSION  
 CLERK

**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  
 filed by OPC

Re: Docket No. 120015-EI

For DN 06040-12, 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 Request for Confidential Classification pursuant to FPL's Notice of Intent filed August 17, 2012. The original includes Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all the 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 consists of a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains fourteen affidavits 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, in Microsoft Word format.

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

COM \_\_\_\_\_  
 AFD 2+CD  
 APA \_\_\_\_\_  
 ECO \_\_\_\_\_  
 ENG \_\_\_\_\_  
 GCL \_\_\_\_\_  
 IDM \_\_\_\_\_  
 TEL \_\_\_\_\_  
 CLK \_\_\_\_\_

Sincerely,

Maria J. Moncada  
 Attorney for  
 Florida Power & Light Company

Enclosures  
 cc: parties of record, w/out exhibits

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida  
Power & Light Company

Docket No. 120015-EI  
September 6, 2012

**FLORIDA POWER & LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENTS PRODUCED**

Pursuant to Section 366.093, Florida Statutes (2011) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code (2011) ("Rule 25-22.006"), Florida Power & Light Company ("FPL") requests confidential classification of certain information included in the attachments to its response to Office of Public Counsel's Sixth Request for Production of Documents No. 60 (Bates No. 4181-4218, 4680-4764, 4807-4845, 5136-5227). In support of this request, FPL states the following:

1. On August 17, 2012, FPL filed a Notice of Intent to Request Confidential Classification of the attachments to FPL's response. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in the attachments provided to Staff with the Notice of Intent.

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

a. Exhibit A consists of a copy of the confidential document, on which all information that is entitled to confidential treatment under Florida law has been highlighted.

b. Exhibit B consists of a copy of the confidential document, on which all information that is entitled to confidential treatment under Florida law has been redacted.

c. Exhibit C is a table that identifies the specific line, page or cell references to the confidential materials for which FPL seeks confidential treatment. The table also

references the specific statutory bases for confidentiality and the affiant who supports the requested classification.

d. Exhibit D contains the affidavit of Roxane Kennedy.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). 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 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, certain materials provided by FPL contain information related to trade secrets between FPL and a critical third party vendor. The information is generation unit-specific and serves as the foundation of performance guarantees in the vendor contract. This information is protected by Section 366.093(3)(a), Fla. Stat. Certain information in these materials would also place FPL at a disadvantage when coupled with other information that is publicly available. This information is protected by Section 366.093(3)(d), Fla. Stat. Additionally, certain information relates to FPL's competitive interests. Disclosure would impair the competitive business of FPL and the provider of the information. The materials also contain the third party's proprietary technology information and disclosure would impair its competitive business. Such information is protected by Section 366.093(3)(e), Fla. Stat.

5. Upon a finding by the Commission that the information highlighted 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. (2011).

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Maria J. Moncada, Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5795  
Facsimile: (561) 691-7135  
Email: maria.moncada@fpl.com

By: 

Maria J. Moncada  
Fla. Bar No. 0773301

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification(\*) has been furnished via hand delivery(\*\*) or by U.S. Mail this 6th day of September, 2012, to the following:

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Keino Young, Esquire  
Martha Brown, Esquire  
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pringley@andrewskurth.com  
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Healthcare Association**

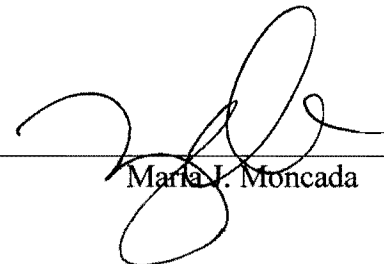
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barmstrong@ngnlaw.com  
**Attorneys for the Village of Pinecrest**

By:   
Maria J. Moncada

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER**

**SEPARATE COVER**

# EXHIBIT B

REDACTED

COM \_\_\_\_\_  
~~AED~~ | \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

DOCUMENT NUMBER-DATE

06039 SEP-62

FPSC-COMMISSION CLERK



PAGES OPC 300971 – 301019 ARE CONFIDENTIAL IN  
THEIR ENTIRETY

REDACTED

**EXHIBIT C**

**COMPANY: Florida Power & Light Company**

**TITLE: List of Confidential Documents**

**DOCKET TITLE: 120015- EI - Petition for increase in rates by Florida Power & Light Company**

**DATE: September 6, 2012**

<b>Party</b>	<b>Set</b>	<b>Conf Y/N</b>	<b>Bates Number</b>	<b>Line/Column</b>	<b>366.093 (3) F.S.</b>	<b>Affiant</b>
OPC	6th	Y	OPC 300971 - 301019	ALL	a, d, e	Roxane Kennedy

# EXHIBIT D

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Increase in Rates by Florida  
Power & Light Company

Docket No. 120015-EI

STATE OF FLORIDA )  
PALM BEACH COUNTY )

**AFFIDAVIT OF ROXANE KENNEDY**


**BEFORE ME**, the undersigned authority, personally appeared Roxane Kennedy who, being first duly sworn, deposes and says:

1. My name is Roxane Kennedy. I am currently employed by FPL as Vice President, Power Generation Operations. My business address is 700 Universe Blvd, Juno Beach, FL, 33408. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the documents which are included in Exhibit A to FPL's Request for Confidential Classification for which I am identified as the affiant. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be trade secrets. Specifically, the information relates to specific operational parameters for technology between FPL and a critical vendor. The documents are specific to power generation units and serve as the foundation for performance guarantees between FPL and a third party vendor. In addition, the information contains or constitutes data provided pursuant to FPL's contract with a third party vendor that expressly prohibits FPL from disclosing the subject data. Thus, disclosure of this information would impair FPL's efforts to contract for these goods or services on favorable terms in the future. The documents or materials also contain or constitute the third party's proprietary technology information, and disclosure would impair its competitive business. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

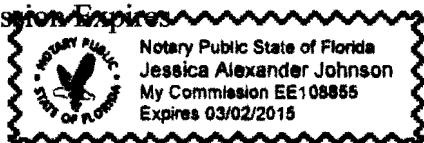
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL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


4. Affiant says nothing further.

  
\_\_\_\_\_  
Roxane Kennedy

**SWORN TO AND SUBSCRIBED** before me this 28th day of August 2012, by Roxane Kennedy, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

My Commission Expires



  
\_\_\_\_\_  
Notary Public, State of Florida