

John T. Butler
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
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April 23, 2009

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COMMISSION
CLERK

-VIA OVERNIGHT DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 090007-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's Second Set of Interrogatories, together with a CD containing the electronic version of same.

Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential documents that are the subject of the confidentiality request.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

COM _____
FCR 1
CCL 1
CPC _____
RCP _____
SGC Enclosure
SGA cc: Counsel for Parties of Record (w/encl.)
ADM _____
CLK 1

Sincerely,



John T. Butler

DOCUMENT NUMBER-DATE
03837 APR 24 09
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**IN RE: Environmental Cost)
Recovery Clause)**

**DOCKET NO. 090007-EI
Filed: April 24, 2009**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO STAFF'S SECOND SET OF INTERROGATORIES AND FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in response Staff's Second Set of Interrogatories Nos. 30, 31, 34 and 35 ("Confidential Discovery Responses") which were served by Staff on March 24, 2009. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Second Set of Interrogatories on April 23, 2009, for overnight delivery to Staff on April 24, 2009. This request is being filed contemporaneously with the delivery of the responses to Staff, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Exhibit A consists of a copy of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of an edited version of Exhibit A on which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together 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 William F. Brannen, Senior Director of Construction in the Project Engineering and Due Diligence Business Unit.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3)(d) because it contains information concerning bids or other contractual data, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. Additionally the information provided relates to the competitive interests, the disclosure of which would impair the competitive business of FPL's counter-party. This information is protected by Section 366.093(3)(e).

4 FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). 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.

5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. 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).

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Discovery Responses as described herein.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: *Damaris Rodriguez* for
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 090007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Information Responsive to Staff's Second Set of Interrogatories (Nos. 30, 31, 34 and 35) (*) has been furnished by overnight delivery (**) or U.S. Mail on the 23rd day of April, 2009, to the following:

Martha Brown, Esq.**
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

J. R Kelly, Esq
Charles J. Rehwinkel, Esq.
Charles Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 W Madison St. Room 812
Tallahassee, FL 32399-1400

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Tallahassee, Florida 32302

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118 N. Gadsden St.
Tallahassee, FL 32301

Captain Shayla L. McNeill
FEA Staff Attorney
139 Barnes Drive
Tyndall AFB, FL 32403-5317

By: *Damaris Rodriguez for*
John T. Butler

* 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

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 24, 2009

TO: John T. Bulter, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090007 or, if filed in an undocketed matter, concerning response to staff's 2nd set of Interrogatories, Nos. 30, 31, 34, 35, served on staff on 3/24/09, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NO. DATE
03838-09 04/24/09
FPSC - COMMISSION CL.

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