



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

Jessica Cano
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700 Universe Boulevard
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August 7, 2009

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COMMISSION
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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

Re: Docket No. 090009-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 Request for Confidential Classification of Information in the Testimony and Exhibit of Dr. William R. Jacobs, which testimony and exhibit were filed by the Office of Public Counsel in this docket. The original includes Exhibit A through D. The seven (7) copies include exhibits C and D.

Exhibit A consists of the confidential documents, and all 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 FPL's justification table for its Request for Confidential Classification. Exhibit D consists of a copy of the affidavit of Steven Scroggs in support of FPL's Request for Confidential Classification. The original affidavit will be filed at a later date. 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.

Sincerely,

Jessica A. Cano

Enclosures
cc: Parties of Record (w/out exhibits)

OM _____
CR 5 ECR
CL 1 GCL
PC _____
CP _____
SC _____
GA _____
ADM _____
CLK 1

DOCUMENT NUMBER-DATE
08184 AUG-7 8

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 090009-EI
Filed: August 7, 2009

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
IN THE TESTIMONY AND EXHIBIT OF OPC WITNESS 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 Exhibit WRJ(FPL)-2 to the testimony of Dr. William R. Jacobs and certain information contained on page 8 of Dr. Jacobs's testimony, filed by the Office of Public Counsel in this docket. In support of its request, FPL states as follows:

1. On July 17, 2009, FPL filed a Notice of Intent to Request Confidential Classification of certain information contained within the testimony of Dr. Jacobs and his Exhibit WRJ(FPL)-2. FPL is filing this Request for Confidential Classification pursuant to Rule 25-22.006(3)(a), Fla. Admin. Code.

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

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

b. Exhibit B consists of two copies of the confidential material 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 includes the affidavit of Steven Scroggs.

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FPSC-COMMISSION CLERK

3. FPL submits that the highlighted 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.

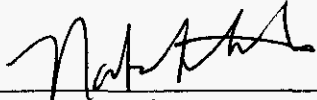
4. As the affidavit included in Exhibit D indicates, the information on page 8 of Dr. Jacobs's testimony and in Exhibit WRJ(FPL)-2 concerns contractual data, the public disclosure of which would violate the nondisclosure terms of FPL's contract with its vendor and impair FPL's ability to contract for goods or services on favorable terms in the future. This information is also competitively sensitive in nature, and if disclosed, could harm the competitive business of the provider of the information. Such information is protected by Sections 366.093(3)(d) and (e), Florida Statutes.

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.

WHEREFORE, for all the foregoing reasons, FPL respectfully requests confidential classification of the material described herein.

Respectfully submitted,

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

By: 

Jessica A. Cano
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 090009-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification, without exhibits, was served by hand delivery* or U.S. Mail this 7th day of August, 2009 to the following:

Keino Young, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.
Joseph McGlothlin, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

J. Michael Walls, Esq.
Dianne M. Triplett, Esq.
Carlton Fields Law Firm
P.O. Box 3239
Tampa, Florida 33601-3239

R. Alexander Glenn, Esq.
John T. Burnett, Esq.
Progress Energy Service
Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

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Davidson, McWhirter PA
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Tampa, Florida 33601


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James W. Brew, Esq.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201

By:



Jessica A. Cano
Fla. Bar No. 0037372

EXHIBIT C

Exhibit C

Company: Florida Power and Light Company

Title: List of Confidential Documents in Testimony and Exhibit WRJ-2 of Witness Jacobs

Docket No. 090009 EI

Item	Description	No. of Pages	Conf Y/N	Line No./ Column No.	Florida Statue 366.093 (3) Subsection	Affiant
1	Testimony of OPC Witness Jacobs	1	Y	Page 8 Lines 22-29	(d), (e)	Steven D. Scroggs
2	Exhibit WRJ-2 of OPC Witness Jacobs	3	Y	Page 1 Lines 1-7, 10-end; Page 2 all, Page 3 all	(d), (e)	Steven D. Scroggs

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Nuclear Power Plant Cost Recovery)
Recovery Clause)

DOCKET NO. 090009-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF STEVEN D. SCROGGS

BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of information included in the testimony filed by William R. Jacobs and his Exhibit WRJ(FPL)-2, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed are proprietary confidential business information, containing information concerning bids or other contractual data related to a specific vendor. Disclosure of this information would violate FPL's contract with its vendor, work to the detriment of FPL's competitive interests, and/or impair FPL's efforts to enter into contracts on commercially favorable terms. 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.

Steven D. Scroggs

Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 7th day of August 2009, by Steven D. Scroggs, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Valerie A. Hwasko

Notary Public, State of Florida

My Commission Expires: 5/29/2012



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: August 7, 2009

TO: Jessica A. Cano, 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 090009 or, if filed in an undocketed matter, concerning Exhibit WRJ (FPL) -2 to testimony of Dr. William R. Jacobs and certain information contained in Page 8 of Dr. Jacob's testimony, filed by OPC, 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 NUMBER - DATE
08185 AUG-78

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