



claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

For DN 02439-11, which is in locked storage. You must be authorized to view this DN.-CLK

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April 12, 2011

COMMISSION CLERK

-VIA HAND 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

110099-EU

Re: In re: Joint Petition for Approval of Territorial Agreement Between Florida Power & Light Company, a Florida Corporation, and City of Starke, Florida, a municipal corporation

Dear Ms. Cole:

Enclosed for filing please find:

- The original and seven (7) copies of Florida Power & Light Company's ("FPL") Petition for Approval of territorial Agreement.
- A CD containing electronic files of FPL's Petition for Approval. The operating system is windows XP, and the processing software is word.
- The original and seven (7) copies of FPL's Request for Confidential Classification of Appendices B and C attached to Exhibit 1 of FPL and the City of Starke's ("Starke's") Joint Petition for Approval of Territorial Agreement. The original includes Attachments A, B, C, and D. Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "**ATTACHMENT A**"- **CONFIDENTIAL**. Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been redacted. Attachment C contains FPL's justification for its request for confidential classification. Attachment D includes FPL and Starke's affidavits in support of FPL's Request for Confidential Classification. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

FPL requests that a new docket number be assigned for the request. Please contact me if you have any questions regarding this filing

COM _____
 APA _____
 ECR 5
 GCL _____
 RAD _____
 SSC _____
 ADM _____
 OPC _____
 CLK 1

Enclosure

Sincerely,

Scott A. Goorland

DOCUMENT NUMBER-DATE

02438 APR 12 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition for Approval)
Of Territorial Agreement Between)
Florida Power & Light Company,)
a Florida corporation, and)
City of Starke, Florida,)
a municipal corporation)
_____)

Docket No. 110099-EU

Filed: April 12, 2011

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

Pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits this Request for Confidential Classification of Appendices B and C attached to Exhibit 1 of FPL and the City of Starke's ("Starke's") Joint Petition for Approval of Territorial Agreement, and in support states:

1. On April 12, 2011, FPL and Starke submitted a Joint Petition for Approval of Territorial Agreement Between Florida Power & Light Company and the City of Starke ("Petition"). Included as Exhibit 1 to the Petition is a copy of the Territorial Agreement between FPL and Starke. Appendices B and C to Exhibit 1 contain an identification of customers who will be transferred as a result of the Territorial Agreement. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification.

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

a) Exhibit A consists of 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 a copy 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 a column-by-column and line-by-line identification of the information for which confidential treatment is sought and references

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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 consists of the affidavits of David T. Bromley of FPL and Ricky Thompson of Starke in support of this request.

4. 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 and Starke 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 determined 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 hard of disclosure against the public interest in access to the information.

5. As indicated in Mr. Bromley's affidavit that is included in Exhibit D, the information that FPL asserts is proprietary and confidential business information is customer-specific account information with respect to non-governmental customers. FPL has a corporate policy not to disclose customer specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information

may harm some customers' competitive interests. Such information is protected from public disclosure pursuant to Section 366.093(3)(e), Florida Statutes.

6. As further indicated in Mr. Thompson's affidavit that is included in Exhibit D, the information that FPL asserts is proprietary and confidential business information, on behalf of Starke, is Starke customer-specific account information. Starke has a policy not to disclose customer specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. Starke treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer. Starke's policy is based upon the customer's right to privacy and the potential that the disclosure of the customer specific information may harm some customers' competitive interests. Such information is protected from public disclosure pursuant to 366.093(3)(e), Florida Statutes.

7. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C and D 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 S.366.093(4), F.S.*

WHEREFORE, FPL respectfully requests confidential classification of the material described herein.

Respectfully submitted this ¹² day of *April*, 2011.

R. Wade Litchfield
Vice President and General Counsel
John Butler, Managing Attorney
Scott A. Goorland, Principal Attorney
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 691-7101
Facsimile: (561) 691-7135

By: 
Scott A. Goorland
Florida Bar No. 0066834

EXHIBIT “A”

**CONFIDENTIAL
FILED UNDER SEPARATE COVER**

REDACTED
EXHIBIT "B"

EDITED VERSION

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A

B **REDACTED** C

Appendix B

Customer Accounts to be Transferred from the City to FPL

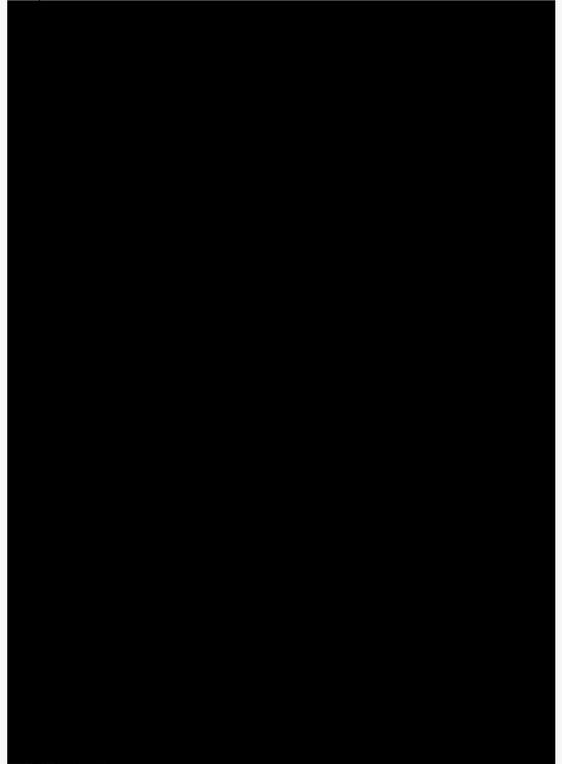
Account Number

Customer Name

Service Address



MORRIS
GRIGGS
TIMBUKTU LIQUOR
COBB-BEHIND STORE
LEWIS TIMBER
KOONS
FAULKNER PLAZA
ST. MATTHEWS
COLEMAN
COLEMAN
HOLLEY
GONZALEZ
MORTIMER
JEAN ROGERS
DAVIS
ADAMS
COLLIER
TROGDON
WILLIAMS
SMITH



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A

B

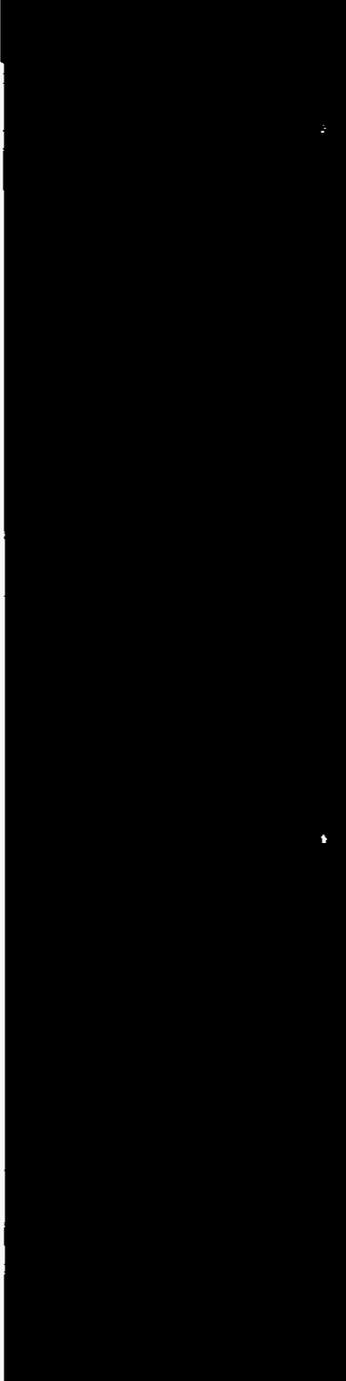
C

Appendix C
Customer Accounts to be Transferred from FPL to the City

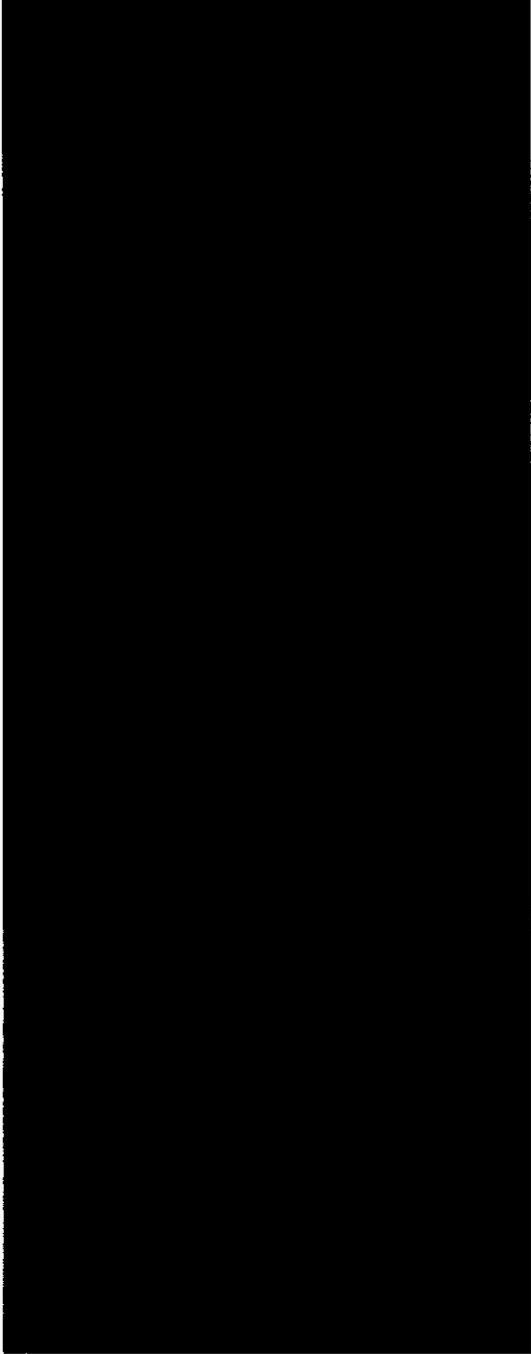
Premise Number

Customer Name

Service Address



Noegels Auto Sales
William Ambrose
Mamie Neal
Mamie Neal
Deby Ruise
Aaron Rents Inc.
Ismael Torres
Inactive Account
Ant Miss Baptist
Gary Reddish
Alberta Risby
Inactive Account
Inactive Account
Inactive Account
Delux Inn
Delux Inn
Delux Inn
Delux Inn
Delux Inn
Jane Honn
Brenda K Sweat
Doyle M Powell
Buster Clark
Inactive Account
New Hope Baptist Church
New Hope Baptist Church
New Hope Baptist Church
Dee Mays
Inactive Account
Sandra J Chandler
Ethel Singleton Hall
Carson Ealy Jr
Charles L Barnes
Charles L Barnes
Paula McCloud
Drew E Moore
Robert Harrington
Rachael Hatter
Douglas L Conner
Warren Stevenson
Dr H H Adams
Peggy N Kirk
C J Hardenbrook



A

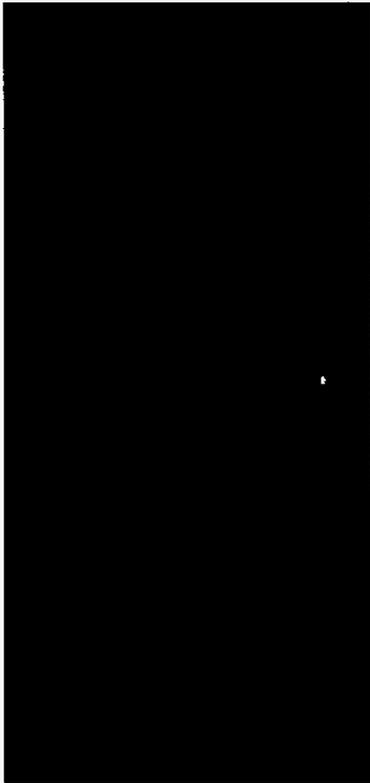
B

C

Premise Number

Customer Name

Service Address



Andrew J Eaves
Delight K Rella
Debra J Henanger
David H Montgomery
Inactive Account
Charles E Jones
David H Montgomery
Lisa R Sculley
Thomas A Hylton
Judy Griffis
Janet B Adams
Inactive Account
Paula Albritton
Paula Albritton
Inactive Account
Inactive Account
Chaney McDougald
Sachin LLC
Louise Stern
Edward E Durden
Lewis Timber Company Inc
Starke Transmission & Auto Repair
Inactive Account

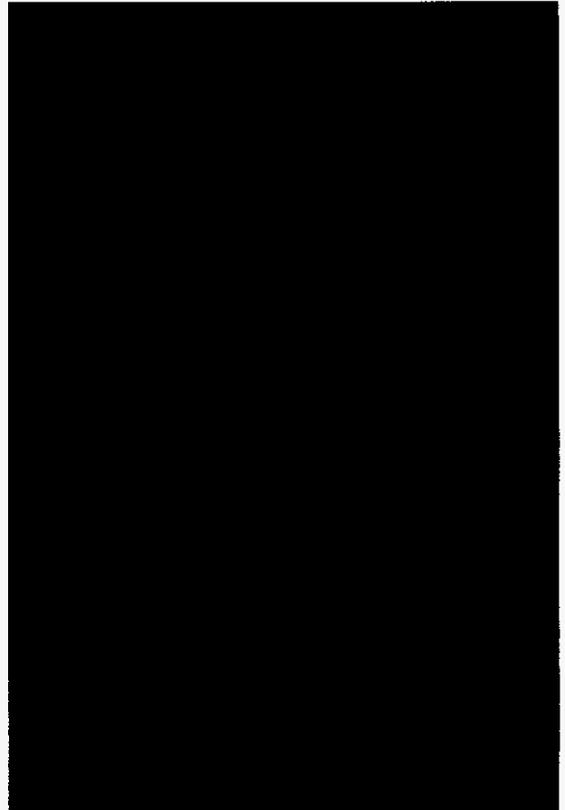


EXHIBIT "C"

JUSTIFICATION TABLE

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FPSC-COMMISSION CLERK

EXHIBIT C

COMPANY: Florida Power & Light Company

TITLE: List of Confidential Documents

**DOCKET TITLE: In re: Joint Petition for Approval of Territorial Agreement
between Florida Power & Light Company, a Florida Corporation, and the City of
Starke, Florida, a Municipal Corporation**

DATE: April 12, 2011

Description	Pages	Conf. Y/N	Line/Column	Affiant
Customer Accounts – City of Starke to FPL	1	Y	Col. A and C	R. Thompson
Customer Accounts – FPL to City of Starke	2	Y	Col. A and C	D. Bromley

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EXHIBIT “D”

AFFIDAVIT

DOCUMENT NUMBER-DATE

02438 APR 12 =

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EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FPL/STARKE Territorial Agreement)
)
)
_____)

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF DAVID T. BROMLEY

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

1. My name is David T. Bromley. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Distribution Regulatory. 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 Obtained in Connection with this territorial agreement. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute customer-specific account information, which if disclosed would impair FPL's competitive interests or those of its vendors. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. 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.



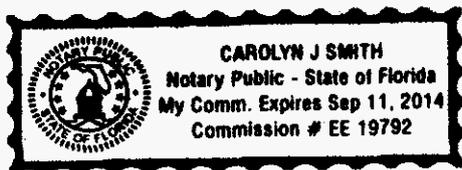
David T. Bromley

SWORN TO AND SUBSCRIBED before me this 31st day of March, by David T. Bromley, who is personally known to me and who did take an oath.



Notary Public, State of Florida

My Commission Expires:



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition for Approval)
Of Territorial Agreement Between)
Florida Power & Light Company,)
a Florida corporation, and)
City of Starke, Florida,)
a municipal corporation)
_____)

Docket No. _____

Submitted for Filing: April 12, 2011

AFFIDAVIT OF RICKY THOMPSON

STATE OF FLORIDA
COUNTY OF BRADFORD

Affiant, RICKY THOMPSON, after being duly sworn, states the following:

1. My name is Ricky Thompson.
2. I am the Operations Manager for the City of Starke, Florida and have been employed by the City of Starke, Florida since October of 1984.
3. My business address is 209 N. Thompson Street, Starke, Florida 32091.
4. I have had direct supervision over the City of Starke's Utilities Department for a period of thirteen (13) years.
5. During that time I have become familiar with and been a part of the development, amendment and implementation of the City of Starke Utilities Department's policies and procedures.
6. These policies and procedures include the management, maintenance and retention of sensitive customer information including, but not necessarily limited to, customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills.
7. Included among these policies and procedures is a confidentiality policy designed to ensure that the City of Starke does not to disclose customer specific

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information.

8. The City of Starke treats this customer specific information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the expressed permission of the customer.

AFFIANT FURTHER SAYETH NAUGHT.


RICKY THOMPSON

STATE OF FLORIDA
COUNTY OF BRADFORD

BEFORE ME, the undersigned authority, personally appeared RICKY THOMPSON, who is personally known to me, and who, after first being duly sworn, deposes and says that he is the affiant in the above and foregoing affidavit and that he has read the contents thereof and the same are true to the best of his knowledge and belief.

SWORN TO AND SUBSCRIBED before me this 2nd day of March 2011.

Sharon L. Vessel
Notary Public, State of Florida
Notary ID No. 661076
Commission No. DD942625
My Commission Expires January 18, 2014


NOTARY PUBLIC

State of Florida



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

Scott A. Goorland
700 Universe Blvd
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 110099-EU

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on April 12, 2011, in the above-referenced docket.

Document Number 02439-11 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.