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COMMISSION
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December 10, 2001

Blanca S. Bayó, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, FL 32399

By Hand Delivery

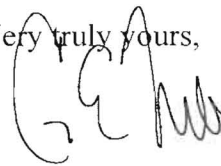
Re: Docket No. 001148-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company are the original and fifteen (15) copies of Florida Power & Light Company's Request For Confidential Classification And Motion For Protective Order For Certain Documents Responsive To Staff's Fifth Request For Production Of Documents. Exhibit B to this Request will be provided under separate cover.

If you or your Staff have any questions regarding this filing, please contact me.

Very truly yours,



Gabriel Nieto

Enclosure
cc: All Parties of Record

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
15414 DEC 10 01
Rio de Janeiro Santo Domingo
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of) Docket No. 001148-EI
Florida Power & Light) Dated: December 10, 2001
Company.)
_____)

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION AND MOTION FOR
PROTECTIVE ORDER FOR CERTAIN DOCUMENTS
RESPONSIVE TO STAFF'S FIFTH REQUEST FOR
PRODUCTION OF DOCUMENTS**

Pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information responsive to Staff's Fifth Request for Production of Documents (hereinafter the "Confidential Information"). FPL further requests that the Commission enter a protective order requiring any person wishing to review the Confidential Information to file a petition to inspect and examine the confidential information pursuant to Rule 25-22.006(7)(a), F.A.C, and requiring that the Confidential Information be returned to FPL at the close of this proceeding. In support thereof, FPL states:

Justification for Confidential Classification

1. The Confidential Information is contained in presentations made to FPL Group, Inc., FPL Group Capital, and FPL Energy by several investment banks. These documents contain extensive confidential financial information regarding these companies, including their financial plans and confidential business strategies. The disclosure of such information would significantly impair the competitive business interests of FPL Group and its subsidiaries, by

making public the competitive strategies of such companies and the strategic financial options they are considering.

2. An unredacted copy of the confidential documents, with all Confidential Information highlighted was filed with the Commission under separate cover in an envelope marked "CONFIDENTIAL" on November 29, 2001, as were two copies of the same material with all confidential information redacted. Exhibit A hereto is a line-by-line justification of the confidential status of the Confidential Information. Exhibit B, which will be filed under separate cover, is an affidavit which affirms that the Confidential Information is entitled to protection and that its disclosure would harm the business interests of the providers of the information.

Request for Protective Order

3. In addition to confidential classification, FPL requests that certain protections against disclosure outside of this proceeding be implemented pursuant to Rule 25-22.006(6)(a), F.A.C. Specifically, FPL requests that the Commission enter a protective order requiring any person or persons, other than Commission staff, that wish to review the Confidential Information to first file a petition to inspect and examine the confidential information with the Commission pursuant to Rule 25-22.006(7)(a), F.A.C. Requiring parties to make such an application will allow issues relating to any requested review of the Confidential Information to be more fully considered at a later time, in the context of a specific request by a particular party.

4. FPL further requests that the Commission require the Confidential Information to be returned to FPL at the close of this proceeding. Requiring the return of the Confidential Information at the close of this proceeding is expressly provided for in section 366.093(4),

Florida Statutes, and will mitigate the adverse impacts to the providers of the information.

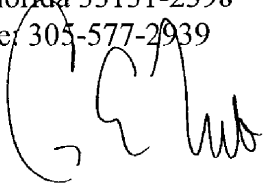
Moreover, the Confidential Information will continue to be confidential for an indefinite period of time. It will still be treated by FPL Group, Inc., and its subsidiaries as confidential as a matter of company policy, and its disclosure would continue to harm FPL's competitive interests long after the 18 month period set forth in section 366.093(4). Therefore, FPL requests that the Commission order, as allowed by Section 366.093, Florida Statutes, that any Confidential Information continue to be classified as confidential for as long as it is held by the Commission or any party to this proceeding.

WHEREFORE, FPL respectfully requests that the Commission (a) rule that the Confidential Information highlighted on the unredacted documents filed November 29, 2001, be given confidential classification and be exempt from disclosure and (b) enter a protective order (i) requiring any person or persons that wish to review the Confidential Information to file a petition to inspect and examine the confidential information pursuant to Rule 25-22.006(7)(a), F.A.C., (ii) requiring that all the materials containing the Confidential Information be returned to FPL at the close of this proceeding, and (iii) holding that the confidential classification will continue in effect until all copies of the Confidential Information are returned to FPL.

Respectfully submitted this 10th day of December 2001.

R. Wade Litchfield, Esq.
Attorney
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Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

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Attorneys for Florida Power & Light
Company
200 South Biscayne Boulevard
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Telephone: 305-577-2939

By: 

Gabriel E. Nieto
Florida Bar No. 147559

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail this 10th day of December 2001, to the following:

Robert V. Elias, Esq.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group
c/o John McWhirter, Jr., Esq.
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Michael B. Twomey, Esq.
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Vicki Gordon Kaufman, Esq.
McWhirter Reeves
117 South Gadsden
Tallahassee, Florida 32301

By: 

Gabriel E. Nieto

EXHIBIT A

Line by Line Justification

PAGE 00201390:

- Line 4:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Line 7:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 16:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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Line 16: Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

- Line 3:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Lines 15,16:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Line 15:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Line 22:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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- Line 6:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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Lines 7, 8: Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

- Line 5:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Line 2:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Line 10:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 12:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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- Line 6:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 7:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 8, 9:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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- Lines 3, 4:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 5:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 6, 7:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 8:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 9, 10:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 11, 12:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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- Line 5:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 6, 7:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 8:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 9, 10:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 11, 12:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 13, 14:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 15:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 16, 17:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 18:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 19:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

- Line 20:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 21, 22:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 23:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 24, 25:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 26:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 27:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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- Line 2:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 3:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 4:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 5:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 6:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Line 9:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 10:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Line 12:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 13:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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- Line 15:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 16:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 17:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 18:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 19:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

- Line 6:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 7:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 8:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 9:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 10:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 11:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 12:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 15:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 16:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 17:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

Line 18: Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

Line 19: Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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- Lines 3, 4:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 5, 6:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 7:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 8:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 10:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 11:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 12, 13:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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Lines 12, 13: Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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Lines 3, 4: Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

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- Line 2:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 8, 9, 10, 11, 12:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 14:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Lines 19, 20:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.

- Line 5:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
- Line 7:** Information relating to competitive financial strategies and interests, the disclosure of which would impair the competitive business of FPL Group and its subsidiaries, and is protected from public disclosure by section 366.093(3)(a) and (e), Florida Statutes.
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