



RECEIVED-FPSC

10 JUL 14 PM 3:20

COMMISSION CLERK

Ilan Kaufer
Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5675
(561) 691-7135 (Facsimile)

July 14, 2010

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

Re: Docket No. 100007-EI

CLAIM OF CONFIDENTIALITY
NOTICE OF INTENT
 REQUEST FOR CONFIDENTIALITY
FILED BY OPC
FOR DN 05786-10, 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 of Materials Provided Pursuant to Audit No. 09-363-4-1. The original includes Exhibits A through D. The seven (7) copies include Exhibits B through D only.

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 eight 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 only, in Microsoft Word format.

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

- COM 3
- APD 1
- ECR 1
- GCL 1
- RAD 1
- SSC
- ADM
- OPC
- CLK

Enclosures
cc: parties of record, w/out exhibits

(1 CD forwarded
DN# 05785-10, and
05788-10.)

Sincerely,

Ilan G. Kaufer
Attorney for
Florida Power & Light Company

DOCUMENT NUMBER-DATE

05785 JUL 14 0

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)

Docket No. 100007-EI
Filed: July 14, 2010

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 09-363-4-1**

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 material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 09-363-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. During the Audit, Staff was provided with various confidential documents. By letter dated June 23, 2010, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of the letter to file a formal request for confidential classification with respect to the work papers. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the confidential work papers.

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

a. Exhibit A includes a copy the confidential documents, 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 documents, on which all information that is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing the specific line and page references to the confidential materials for which confidential treatment is sought, and references 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 includes the affidavits of Antonio Maceo, Damaris Rodriguez, Noah F. Narut, Carmine A. Priore, Solomon L. Stamm, Edward S. Bowman, Frank J. Nesbihal, and Gary A. McBean.

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, Florida Statutes, 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 affidavits included in Exhibit D indicate, certain information provided by FPL contains information related to internal auditing controls or reports of internal auditors. This information is protected from public disclosure pursuant to Section 366.093(3)(b), Florida Statutes. Other materials contain information related to security measures, systems, and procedures. Such information is protected from public disclosure pursuant to Section 366.093(3)(c), Florida Statutes. Certain materials also contain information related to bids or contractual data, such as pricing or other terms, the public disclosure of which would violate nondisclosure terms of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected by Section

366.093(3)(d), Florida Statutes. Much of this information is also competitively sensitive, and could impair the competitive interests of the provider of the information. Such information is protected by Section 366.093(3)(e), Florida Statutes. Additionally, some documents include competitively sensitive information related to certain employees' compensation. Public disclosure of compensation information would enable competing employers to meet or beat the compensation currently offered, resulting in the loss of talented employees, or conversely, the need to increase the level of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost of service implications would be detrimental to FPL and its customers. Such information is protected by Section 366.093(3)(e), Florida Statutes.

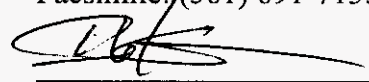
5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

WHEREFORE, for 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,

Ilan G. Kaufer
Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5675
Facsimile: (561) 691-7135

By:



Ilan G. Kaufer
Fla. Bar No. 0065394

**CERTIFICATE OF SERVICE
DOCKET NO. 100007-EI**

I HEREBY CERTIFY that a true and correct copy of this Request for Confidential Classification (without exhibits) was served via hand delivery* or by U.S. Mail this 14th day of July, 2010, 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

James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

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

John W. McWhirter, Jr., Esq.
McWhirter & Davidson, P.A.
P.O. Box 3350
Tampa, Florida 33601-3350
Attorneys for FIPUG

Gary V. Perko, Esq.
Hopping Green & Sams
P.O Box 6526
Tallahassee, FL 32314
Attorneys for Progress Energy Florida

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

Jon C. Moyle, Esq.
Vicki Kaufman, Esq.
Co-Counsel for FIPUG
Keefe, Anchors, Gordon & Moyle, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301

Shayla L. McNeill, Capt., USAF
Counsel for Federal Executive Agencies
AFLSA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

By: _____



Ilan G. Kaufer

State of Florida



Public Service Commission

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

Ilan Kaufer
700 Universe Blvd
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 100007-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on July 14, 2010, in the above-referenced docket.

Document Number 05786-10 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.