



Scott A. Goorland  
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RECEIVED-PPSC  
 10 AUG 30 PM 2:06  
 COMMISSION  
 CLERK

August 30, 2010

- VIA HAND DELIVERY -

Ms. Ann Cole,  
 Commission Clerk  
 Florida Public Service Commission  
 Betty Easley Conference Center  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850

CLAIM OF CONFIDENTIALITY  
 NOTICE OF INTENT  
 REQUEST FOR CONFIDENTIALITY  
 FILED BY OPC

FOR DN 07185-10, WHICH  
 IS IN LOCKED STORAGE. YOU MUST BE  
 AUTHORIZED TO VIEW THIS DN. - CLK

Re: Docket No. 100007-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of FPL's Request for Confidential Classification of Certain Information Provided in Response to Staff's Third Set of Interrogatories. The original includes Exhibits A through D. The copies include Exhibits C and D only.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "EXHIBIT A" - CONFIDENTIAL. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's justification for its Request for Confidential Classification. Exhibit D contains the Affidavit of Mark Cifone 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 EXHIBIT A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a CD containing FPL's Request for Confidential Classification and Exhibit C.

If there are any questions regarding this transmittal, please contact me at 561-304-5633.

COM   
 APA   
 ECR   
 GCL   
 RAD   
 SSC

ADM Enclosures

OPC   
 CLK  cc: pena Counsel for Parties of Record (w/o encl.)

*CD containing request and exhibit C, also forwarded.*

Sincerely,

Scott A. Goorland

DOCUMENT NUMBER DATE  
 07184 AUG 30 09

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost )  
Recovery Clause )

DOCKET NO. 100007-EI  
Filed: August 30, 2010

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
IN RESPONSE TO STAFF'S THIRD SET OF INTERROGATORIES**

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 to Staff's Fourth Set of Interrogatories No. 36 ("Confidential Discovery Response") which was served by Staff on July 28, 2010. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Fourth Set of Interrogatories on August 27, 2010, for overnight delivery to Staff on August 30, 2010. This request is being filed contemporaneously with the service 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 Response 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.

DOCUMENT NUMBER-DATE

07184 AUG 30 2

d. Exhibit D is the affidavit of Mark Cifone, Manager of Construction, in the Engineering and Construction Business Unit for FPL.


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 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.

4. As the affidavit included in Exhibit D indicate, the information provided by FPL 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 within the meaning of Section 366.093(3)(d). Additionally the information provided relates to competitive interests, the disclosure of which would impair the competitive business of FPL's counter-party. Such information is protected by Section 366.093(3)(e). Specifically, the information relates to cost estimates for FPL's 800 MW ESP Project, including contractor labor and material cost estimates.

5. 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 Confidential Discovery Responses as described herein.

R. Wade Litchfield, Esq.  
Vice President and General Counsel  
John T. Butler, Esq.  
Managing Attorney  
Scott A. Goorland, Esq.  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5633  
Facsimile: (561) 691-7135

BY:   
Scott A. Goorland  
Fla. Bar No. 0066834

**CERTIFICATE OF SERVICE**

**Docket No. 100007-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery(\*) or United States mail on August 30, 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

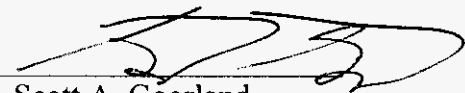
John W. McWhirter, Jr., Esq.  
McWhirter & Davidson, P.A.  
P.O. Box 3350  
Tampa, Florida 33601-3350  
Attorneys for FIPUG

Gary V. Perko, Esq.  
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Russell A. Badders, Esq.  
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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:   
Scott A. Goorland  
Fla. Bar No. 0066834

\* The exhibits to this Request are not with the service copies, but copies of Exhibits B, C and D are available upon request

**EXHIBIT “A”**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

**REDACTED**

**EXHIBIT "B"**

**EDITED VERSION**

DOCUMENT NUMBER-DATE

07184 AUG 30 9

FPSC-COMMISSION CLERK

**REDACTED**

**CONFIDENTIAL**

**800 MW Unit ESP Project**

	<i>A</i>	<i>B</i>	<i>C</i>
		<b>Total Estimated Costs</b>	<b>2011 Estimated Costs</b>
<b>ESP Project</b>			
ESP Contractor			
Balance of Plant			
FPL Management & Indirects			
		<b>\$303,000,000</b>	<b>\$48,300,000</b>

1  
2  
3  
4  
5  
6  
7

DOCUMENT NUMBER-DATE

67184 AUG 30 2011

FPSC-COMMISSION CLERK



# EXHIBIT "C"

## JUSTIFICATION TABLE

DOCUMENT NUMBER-DATE

07184 AUG 30 9

FPSC-COMMISSION CLERK

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Exhibits  
**DOCKET NO.:** 100007-EI  
**DOCKET TITLE:** Environmental Cost Recovery Clause  
**SUBJECT:** Staff's 4<sup>th</sup> Set of Interrogatories No. 36  
**DATE:** August 30, 2010

<b>Description</b>	<b>Interrogatory No.</b>	<b>Conf. Y/N</b>	<b>Line Nos.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
Attachment I	36	Yes	Columns B & C, Lines 4-6	(d),(e)	M. Cifone

# **EXHIBIT "D"**

## **AFFIDAVIT**

DOCUMENT NUMBER-DATE

07184 AUG 30 9

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost )  
Recovery Clause )

DOCKET NO. 100007-EI

STATE OF FLORIDA )  
PALM BEACH COUNTY )

AFFIDAVIT OF MARK CIFONE

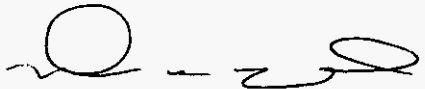
BEFORE ME, the undersigned authority, personally appeared Mark Cifone who, being first duly sworn deposes and says:

1. My name is Mark Cifone. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Construction in the Engineering and Construction Department. I have personal knowledge of the matters stated in this affidavit.

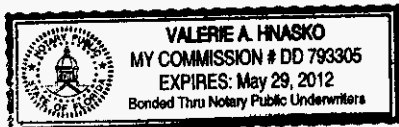
2. I have reviewed the information included in Exhibit A to FPL's Request for Confidential Classification. The information in Exhibit A which is asserted by FPL to be proprietary confidential business information contains information concerning bid or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Additionally, the information provided also relates to the competitive interests, the disclosure of which would impair the competitive business of FPL's counter-party. Specifically, the information relates to cost estimates for FPL's 800 MW ESP Project, including contractor labor and material cost estimates. To the best of my knowledge, FPL has maintained the confidentiality of the information in Exhibit A which is asserted by FPL to be proprietary confidential business information.


3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, the document containing the proprietary confidential business information 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 that information.

4. Affiant says nothing further.

  
\_\_\_\_\_  
Mark Cifone

SWORN TO AND SUBSCRIBED before me this 27 day of August, 2010 by Mark Cifone, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.



  
\_\_\_\_\_

DOCUMENT NUMBER: DATE  
07184 AUG 30 2010

FPSC-COMMISSION CLERK

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. 100007-EI**

**This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on August 30, 2010, in the above-referenced docket.**

**Document Number 07185-10 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.**