



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

Jessica Cano
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5226
(561) 691-7135 (Facsimile)

September 7, 2010

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

RECEIVED FPSC
10 SEP -7 PM 4:19
COMMISSION
CLERK

Re: Docket No. 100009-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 Staff's Seventh Set of Interrogatories and Fourth Request for Production of Documents. The original includes Exhibit A through D. The seven (7) copies include Exhibits C and D only.

Exhibit A consists of the confidential material, 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 is a justification table supporting FPL's Request for Confidential Classification. Exhibit D contains the affidavits of Michael Bryce and Terry Jones. 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
- APA
- ECR + CD (CD contains request + Exh. C only)
- GCL
- RAD
- SSC Enclosures
- ADM cc: Parties of Record (w/out enc.)
- OPC
- CLK Peña

Sincerely,
Nanci Redsmith
for Jessica A. Cano

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

FOR DN 07520-10, WHICH
IS IN LOCKED STORAGE. YOU MUST BE
AUTHORIZED TO VIEW THIS DN. - CLK

DATE

7519 SEP-7 0

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 100009-EI
Filed: September 7, 2010

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
STAFF'S SEVENTH SET OF INTERROGATORIES AND
FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS**

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 portions of Staff's Seventh Set of Interrogatories Nos. 20-38 and 44 and FPL's responses thereto (along with a confidential forward statement applicable to FPL's responses to Interrogatories Nos. 20-38), and Staff's Fourth Request for Production of Documents Nos. 21, 23, 25, 27, 28, 29, 31, 32 and 32 supplemental and FPL's responses thereto.

1. On August 17, 2010 FPL filed a Notice of Intent to Request Confidential Classification of a portion of the above referenced discovery and FPL's responses ("the confidential material"). Pursuant to Rule 25-22.006(3)(a), FPL has 21 days from the date of filing its Notice of Intent to file a Request for Confidential Classification. FPL is filing this request pursuant to Rule 25-22.006(3)(a) and Rule 25-22.006(4), Florida Administrative Code.

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

- a) Exhibit A is the confidential copy of the confidential material, with the confidential portion highlighted.
- b) Exhibit B is a redacted copy of the confidential material, with the confidential portion blacked out.

c) Exhibit C is a table identifying the specific page and line or column numbers that are confidential, 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 contains the affidavits of Michael Bryce and Terry Jones in support of this request.

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. Section 366.093(3), Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been disclosed publicly. The confidential material attached hereto is intended to be and has been treated by FPL as private and its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. 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 affidavits included in Exhibit D indicate, the confidential material in response to Interrogatory 44 contains 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, to the detriment of FPL and its customers. This information is

also related to competitive interests, and its disclosure would impair the competitive business of either FPL or its vendors. This information is treated by FPL as private, and its confidentiality has been maintained. Such information is protected by Sections 366.093(3)(d) and 366.093(3)(e), Florida Statutes.

5. Additionally, the confidential material contains the names and titles of employees within the context of discussions related to employee performance. This information is unrelated to compensation, duties, qualifications, or responsibilities and is competitively sensitive to FPL. Disclosure of this private information could have an adverse impact on FPL's ability to attract and retain employees, particularly within the Nuclear division, affecting the performance of the Company to the detriment of FPL's customers. Accordingly, this information is protected pursuant to Section 366.093(3)(e), Florida Statutes.

6. Names and titles of employees are also included in the confidential material within the context of an investigation commissioned by FPL to examine an employee complaint letter. The majority of this information has been made publicly available by FPL. However, because the investigation included interviews with employees, public disclosure could have a chilling effect on employees' willingness to report concerns or otherwise fully cooperate with such investigations. Other employees' involvement is also discussed. Accordingly, the investigation is similar to an internal audit, and the potential harm to FPL and its customers if the information is disclosed is similar to the harm that would be caused by disclosure of internal auditing information. The Commission has recognized that this type of information should be treated as confidential, and has previously granted confidential classification to material pertaining to a company's internal investigation on the grounds that the investigation was similar to an internal audit. *See, e.g., In Re: Application for Rate Increase by City Gas Company of*

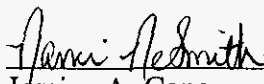
Florida, Order No. PSC-97-0039-CFO-GU, Docket No. 960502-GU (issued Jan. 9, 1997). This information is treated by FPL as private, and its confidentiality has been maintained. Additionally, maintaining employees' willingness to participate in such investigations and report concerns is competitively advantageous to FPL, as such investigations enable FPL to improve upon operational performance. Accordingly, this information is confidential pursuant to Section 366.093(3)(e), Florida Statutes.

7. 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 supported by the exhibits and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted

Respectfully submitted,

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

By: 
for Jessica A. Cano
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 100009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification (without attachments) was served by U.S. Mail this 7th day of September, 2010, to the following:

Anna Williams, Esq.
Lisa Bennett, Esq.
Keino Young, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
LBENNETT@PSC.STATE.FL.US
KYOUNG@PSC.STATE.FL.US
ANWILLIA@PSC.STATE.FL.US

J. Michael Walls, Esq.
Carlton Fields Law Firm
P.O. Box 3239
Tampa, Florida 33601-3239
mwalls@carltonfields.com
Attorney for Progress

Jon C. Moyle, Jr.
Vicki Gordon Kaufman
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com
Attorneys for FIPUG

R. Alexander Glenn, Esq.
John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
alex.glenn@pgnmail.com
Attorneys for Progress

J. R. Kelly, Esq.
Charles Rehwinkel, Esq.
Joseph McGlothlin, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
mcglothlin.joseph@leg.state.fl.us
Kelly.jr@leg.state.fl.us
Rehwinkel.Charles@leg.state.fl.us

Dianne M. Triplett, Esq.
Progress Energy Florida
229 1st Avenue N PEF-152
St. Petersburg, Florida 33701
dianne.triplett@pgnmail.com
Attorney for Progress

John W. McWhirter, Jr., Esq.
Davidson McWhirter, P.A.
PO Box 3350
Tampa, Florida 33601
jmcwhirter@mac-law.com
Attorney for FIPUG

James W. Brew, Esq.
F. Alvin Taylor, Esq.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com
Attorneys for PCS Phosphate

Randy B. Miller
White Springs Agricultural Chemicals, Inc.
Post Office Box 300
15843 Southeast 78th Street
White Springs, Florida 32096
RMiller@pcsphosphate.com

Captain Shayla L. McNeill
Air Force Legal Operations Agency (AFLOA)
Utility Litigation Field Support Center (ULFSC)
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319
shayla.mcneill@tyndall.af.mil

Mr. Paul Lewis, Jr.
106 East College Ave., Suite 800
Tallahassee, Florida 32301-7740
paul.lewisjr@pgnmail.com

Gary A. Davis, Esq.
James S. Whitlock, Esq.
Gary A. Davis & Associates
P.O. Box 649
Hot Springs, NC 28743
Gadavis@enviroattorney.com
jwhitlock@enviroattorney.com
Attorneys for SACE

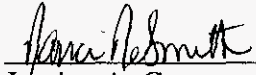
By: 
for Jessica A. Cano
Florida Bar No. 0037372

EXHIBIT C

DOCUMENT NUMBER - DATE
07519 SEP-7 e
FPSC-COMMISSION CLEAR

Exhibit C

Company: Florida Power and Light Company
Title: Confidential Documents for Staff's Seventh Set of Interrogatories and Fourth Request for Production of Documents
Docket No. 100009-EI

Document	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
Forward to Staff's 7 th Set of Interrogatory Responses	1	Y	Lines 4, 5, 11, 14, 16, 18, 21, 22, 24, 28	(e)	Michael Bryce, Terry Jones
Staff's 7 th Set of Interrogatories, Nos. 20-38, 44	30	Y	Page 1, Lines 1, 3, Col 1; Lines 6-12, Col 2; Lines 6-12;	(e)	Michael Bryce, Terry Jones
		Y	Page 2, Col 1; Lines 1-11, Col 2; Lines 1-11; Lines 15-16;	(e)	Michael Bryce, Terry Jones
		Y	Page 3, Lines 1-3, 5, 8;	(e)	Michael Bryce, Terry Jones
		Y	Page 4, Lines 1, 4, 6; Col 1; Lines 7, 9, 11,13,15, 19, 23, 27; Col 2; Line 13	(e)	Michael Bryce, Terry Jones
		Y	Page 5, Col 1, Lines 1, 3, 5; Lines 10,12,14-18, 20-24;	(e)	Michael Bryce, Terry Jones
		Y	Page 6, Lines 1-2, 11, 14-15, 19;	(e)	Michael Bryce, Terry Jones
		Y	Page 7, Lines 1, 4, 8, 10, 21;	(e)	Terry Jones
		Y	Page 8, Lines 1, 4, 7;	(e)	Terry Jones
		Y	Page 9, Lines 1, 3, 6;	(e)	Terry Jones
		N	Pages 10-12;		
		Y	Page 13, Lines 1, 3, 16, 18, 21;	(e)	Terry Jones
		Y	Page 14, Lines 1, 4, 14-15, 17;	(e)	Terry Jones
		Y	Page 15, Lines 1, 4, 6;	(e)	Terry Jones
			Page 16, Lines 3, 5, 7;		

DOCUMENT NUMBER 5-0071

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Document	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
		Y	Col 1; Lines 8, 10, 12, 14, 16, 20;	(e)	Michael Bryce, Terry Jones
		Y	Page 17, Col 1, Lines 4, 7, 11; Lines 16, 19, 22-23, 29;	(e)	Michael Bryce, Terry Jones
		Y	Page 18, Lines 1, 3, 22-23, 31;	(e)	Terry Jones
		Y	Page 19, Col 2, Lines 1, 3, 5, 7-8, 10, 12-15, 24-26, 34-37;	(e)	Michael Bryce, Terry Jones
		Y	Page 20, Col 2, Lines 1-2, 8, 11-12, 16-17, 20-21, 24, 31, 33-34, 36, 40;	(e)	Michael Bryce, Terry Jones
		N	Page 21;		
		Y	Page 22, Lines 2-3, 9, 12, 18;	(e)	Michael Bryce, Terry Jones
		Y	Page 23, Lines 1-3;	(e)	Michael Bryce, Terry Jones
		N	Page 24;		
		Y	Page 25, Line 1;	(e)	Michael Bryce
		N	Pages 26-28;		
		Y	Page 29, Line 1;	(e)	Michael Bryce
		Y	Page 30, Line 1;	(d), (e)	Terry Jones

Document	No of Pages	Conf. Y/N	Line No./ Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
POD 21	7	N	Page 1		
		Y	Pages 2, 6 Lines 4-8, 10-11, 20, 25, 28-29, 32, 37 Page 3, 7 Lines 3-4, 15-16, 33-37 Pages 4-5 Lines 1-8	(d), (e)	Michael Bryce, Terry O. Jones

Document	No of Pages	Conf. Y/N	Line No./ Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
POD 22	1	N			
POD 23	3	N Y	Page 1 Page 2 Lines 1-6 Page 3 Lines 1-11	(e)	Michael Bryce, Terry O. Jones
POD 24	1	N			
POD 25	54	N Y	Pages 1-3, 16, 23, 26-29, 33, 51 Page 4 Line 1 Page 5 Lines 1, 2, 7-8 Page 6 Line 3 Page 7 Lines 2-4, 11, 13-15, 16-17, 22-23, 28, 35-36 Page 8 Line 1, 4, 7, 12, 19 Page 9 Lines 1, 3, 9, 22 Page 10 Lines 1-2, 5-6, 11, 14-15, 17-18, 26-30, 32, 37 Page 11 Lines 2, 29 Page 12 Lines 2-3, 23-24, 27, 32, 42 Page 13 Lines 1-2, 5-7, 32-33 Page 14 Lines 1, 15, 22-23, 36, 39 Page 15 Line 23 Page 17 Lines 1, 6, 8-10, 14 Page 18 Lines 2-3, 5, 7-8, 11, 14-15, 21, 29, 31, 33-37	(e)	Michael Bryce, Terry O. Jones

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			Page 19 Lines 1-2, 8, 18, 24, 30, 32, 40 Page 20 Lines 1, 18, 20, 23 Page 21 Lines 1-3, 7, 10-11, 14, 28-31 Page 22 Lines 5, 36-38, 40, 43 Page 24 Lines 24-25 Page 25 Line 13 Page 30 Lines 4-8, 10-11, 25, 28-29, 32, 37 Page 31 Lines 3-4, 16-17, 33-37 Page 32 Lines 1-4 Page 34 Lines 4, 13 Page 35 Lines 6, 14 Page 36 Lines 7-13, 30 Page 37 Line 14 Page 38 Lines 1, 12-15, 18-19, 26, 33 Page 39 Lines 1, 4-5, 8, 24, 26-27 Page 40 Lines 1, 5-6, 12-13 Page 41 Lines 1, 5, 7, 10, 13-14, 33-36 Page 42 Lines 1, 3-4, 7, 8, 12-13, 22-26, 27 Page 43 Col 2 Lines 4, 7-8, 18, 22, 26, 30, 41-42; Col 3 Lines 7, 30, 41		

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			<p>Page 44 Col 2 Lines 6-7, 10, 17, 21-22, 34; Col 3, Line 20</p> <p>Page 45 Col 2 Lines 1, 10-13; Col 3 Lines 7-8</p> <p>Page 46 Col 2 Lines 39, 41-42; Col 3 Line 39</p> <p>Page 47 Col 2 Line 10</p> <p>Page 48 Col 2 Line 7</p> <p>Page 49 Col 2 Line 23</p> <p>Page 50 Col 2 Lines 5-6, 9, 12-13, 20, 23, 35; Col 3 Lines 5, 7, 9, 13, 20, 26, 33, 38</p> <p>Page 52 Line 1</p> <p>Page 53 Lines 1, 4-5</p> <p>Page 54 Lines 1-3</p>		
POD 26	4	N			
POD 27	7	Y	<p>Page 1 Lines 1-8</p> <p>Page 2 Lines 1-7</p> <p>Page 3 Lines 4-8, 10-11, 20, 25, 28-29, 32, 37</p> <p>Page 4 Lines 3-4, 15-16, 33-37</p>	(e)	Michael Bryce
		N	Page 5		
		Y	<p>Page 6 Lines 4-8, 10-11, 20, 25, 28-29, 32, 37</p> <p>Page 7 Lines 3-4, 15-16, 33-37</p>	(e)	Michael Bryce
POD 28	1	N			

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POD 29	578	N	Pages 12, 21-24, 38, 45-46, 48-51, 56, 69, 73, 85, 92, 94-96, 98, 101, 111, 118-119, 121-122, 124, 128, 142, 146, 163, 172-175, 188, 197-199, 200-202, 210, 225, 233, 235, 252, 254-5, 272, 275 -279, 297, 300 - 302, 304, 323-331, 333, 356 - 362, 365, 377, 384, 386-390, 402, 411-415, 437-441, 444, 462, 462, 464-468, 471, 489, 491-495, 498, 508, 515-521, 524, 534, 541, 544 -547, 549, 560, 569- 574, 576-578	(e)	Michael Bryce Terry O. Jones
		Y	Page 1 Line 1 Page 2 Line 1 Page 3 Lines 1-17 Page 4 Lines 1-5 Page 5 Lines 1-4 Page 6 Lines 1-16 Page 7 Lines 1-5 Page 8 Lines 1-7 Page 9 Lines 1-7 Page 10 Lines 1-4 Page 11 Line 1 Page 13 Lines 1-6 Page 14 Lines 1-16 Page 15 Lines 1-9 Page 16 Lines 1-6 Page 17 Lines 1-8		

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			Page 19 Lines 1-4		
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			Page 145, Col 2, Line 1; Col 3, Line 1;		
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			Page 149, Lines 1-2; Page 150, Lines 1, 2; Page 151, Lines 1-3; Page 152, Line 1; Page 153, Line 1; Page 154, Lines 1-17 Page 155, Lines 1-4; Page 156, Lines 1-9; Page 157, Lines 1-17 Page 158, Lines 1-3; Page 159, Lines 1-5; Page 160, Lines 1-7; Page 161, Lines 1-7; Page 162, Line 1; Page 164, Lines 1-6; Page 165, Lines 1-16; Page 166, Lines 1-7; Page 167, Lines 1-5 Page 168, Lines 1-8; Page 169, Lines 1-10 Page 170, Lines 1-2 Page 171, Lines 1-2; Page 176, Col 1; Page 177, Line 1; Page 178, Line 1; Page 179, Lines 1-14,		

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			Col 1 Lines 1-3; Page 180, Lines 1-4; Page 181, Lines 1-8; Page 182, Lines 1-14, Col 1 Line 1; Page 183, Lines 1-3; Page 184, Lines 1-4; Page 185, Lines 1-8; Page 186, Lines 1-7; Page 187, Line 1; Page 189, Lines 1-6; Page 190, Lines 16; Page 191, Lines 1-7; Page 192, Lines 1-5; Page 193, Lines 1-8; Page 194, Lines 1-6 Page 195, Lines 1-2; Page, 196, Line 1; Page 203, Lines 1-13; Page 204, Lines 1-6; Page 205, Lines 1-11; Page 206, Lines 1-12 Page 207, Lines 1-13; Page 208, Lines 1-3; Page 209, Lines 1-3; Page 211, Lines 1-2; Page 212, Lines 1-9;		

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			Page 269, Lines 1-8		

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POD 32	5	N			

EXHIBIT D

DOCUMENT NUMBER DATE

07519 SEP-7 2

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 100009-EI

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF TERRY O. JONES

BEFORE ME, the undersigned authority, personally appeared Terry O. Jones who, being first duly sworn, deposes and says:

1. My name is Terry O. Jones. I am currently employed by Florida Power & Light Company ("FPL") as Vice President, Nuclear Power Uprate. 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 concerning information contained in FPL's responses to Staff's Seventh Set of Interrogatories and Fourth Request for Production of Documents, for which I am listed as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including the names and titles of employees as they relate to an internal investigation performed by Concentric Energy Advisors. Public disclosure of this information could have a chilling effect on employees' willingness to report concerns or otherwise fully cooperate with such investigations, which are undertaken to identify and implement operational improvements for the benefit of FPL's customers.

3. Additionally, one interrogatory response (No. 44) includes contractual data. Disclosure of this information would violate FPL's contracts with its vendors, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendors 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.

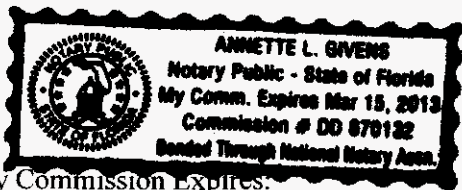
4. Such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

5. Affiant says nothing further.

Terry O. Jones

Terry O. Jones

SWORN TO AND SUBSCRIBED before me this 6 day of September 2010, by Terry O. Jones, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



My Commission Expires:

Annette L. Givens

Notary Public, State of Florida

DOCUMENT NUMBER: 100009-EI

07519 SEP-7 2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 100009-EI

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF MICHAEL BRYCE

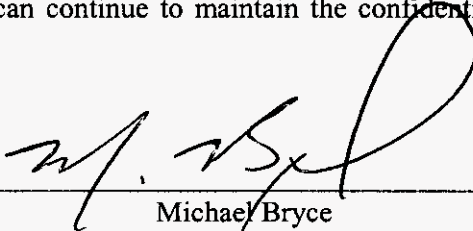
BEFORE ME, the undersigned authority, personally appeared Michael Bryce who, being first duly sworn, deposes and says:

1. My name is Michael Bryce. I am currently employed by Florida Power & Light Company ("FPL") as Vice President, Human Resources, Nuclear Division. 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 concerning information contained in FPL's responses to Staff's Seventh Set of Interrogatories and Fourth Request for Production of Documents, for which I am listed as the affiant. The documents and materials that I have reviewed contain confidential employee personnel information unrelated to compensation, duties, qualifications and responsibilities that is competitively sensitive to FPL. Specifically, the documents contain employee names and titles that appear in the context of discussions related to employee performance. Disclosure of this private information could have an adverse impact on FPL's ability to attract and retain employees, particularly within the Nuclear division, affecting the performance of the Company to the detriment of FPL's customers.

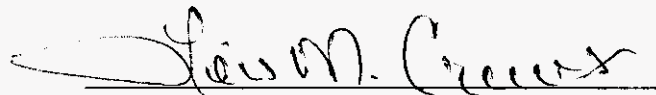
3. Such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.



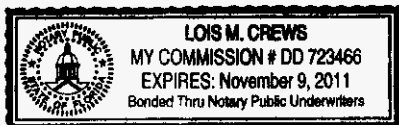
Michael Bryce

SWORN TO AND SUBSCRIBED before me this 3rd day of September 2010, by Michael Bryce, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER DATE

07519 SEP-7 2010

FPSC-COMMISSION CLERK

State of Florida



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

**JESSICA A CANO ESQUIRE
FPL
700 UNIVERSE BLVD
JUNO BEACH FL 33408-0420**

Re: Acknowledgement of Confidential Filing in Docket No. 100009-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENTS filed on 9/7/10 in the above-referenced docket.

Document Number 07520-10 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.