



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

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

September 27, 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

CLAIM OF CONFIDENTIALITY  
 NOTICE OF INTENT  
 REQUEST FOR CONFIDENTIALITY  
 FILED BY OPC  
FOR DN 08087-10, WHICH  
IS IN LOCKED STORAGE. YOU MUST BE  
AUTHORIZED TO VIEW THIS DN. - CLK

RECEIVED-FPSC  
10 SEP 27 PM 4:47  
COMMISSION  
CLERK

Re: Docket No. 100002-EG

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Fourth Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 02-064-4-1. The original includes Second Revised Exhibits A through D.

Second Revised Exhibits A and B consist of modified copies of the specific working papers where FPL has determined that a portion of the information previously designated as confidential no longer requires confidential treatment. These pages are intended to replace the correspondingly numbered working papers FPL filed in Revised Exhibits A and B with its October 10, 2002 filing, which amended FPL's original July 30, 2002 Request for Confidential Classification of Materials Provided Pursuant to Audit No. 02-064-4-1. Second Revised Exhibit C consists of a justification table in support of FPL's Request for Extension of Confidential Classification. Second Revised Exhibit D contains one affidavit in support of FPL's Fourth Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's Fourth Request for Extension of Confidential Classification and Second Revised Exhibit C only, in Microsoft Word format.

Please contact me if you have any questions regarding this filing.

- COM \_\_\_\_\_
- APA 3+ *ICD containing request and exhibit C also fwd.*
- ECR 1
- GCL 1
- RAD 1
- SSC \_\_\_\_\_
- ADM \_\_\_\_\_
- OPC \_\_\_\_\_ Enclosures
- CLK Pen cc: Counsel for parties of record, w/out exhibits

Sincerely,

Ilan G. Kaufer  
Attorney for  
Florida Power & Light Company

DOCUMENT NUMBER: 08086  
10 SEP 27 2010  
FPSC-00000000000000000000

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost     )  
Recovery Clause                     )

Docket No. 100002-EG  
Filed: September 27, 2010

**FLORIDA POWER & LIGHT COMPANY'S  
FOURTH REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 02-064-4-1**

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. 02-064-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. On July 30, 2002, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit, along with Exhibits A through D ("the July 30, 2002 Request"). On October 10, 2002, FPL revised its July 30, 2002 Request, and filed Revised Exhibits A, B, and C ("October 10, 2002 Amended Filing"). FPL adopts and incorporates herein by reference Revised Exhibits A, B, and C, from its October 10, 2002 Amended Filing.

2. By Order No. PSC-02-1493-CFO-EG, dated October 31, 2002, the Commission granted FPL's July 30, 2002 Request.

3. On April 16, 2004, FPL filed its First Request for Extension of Confidential Classification ("April 16, 2004 Request"). By Order No. PSC-04-0841-CFO-EG, dated August 27, 2004, the Commission granted FPL's April 16, 2004 Request.

4. On February 27, 2006, FPL filed its Second Request for Extension of Confidential Classification ("February 27, 2006 Request"). By Order No. PSC-06-0558-CFO-EG, dated June 29, 2006, the Commission granted FPL's February 27, 2006 Request.

5. On December 14, 2007, FPL filed its Third Request for Extension of Confidential Classification. By Order No. PSC-09-0192-CFO-EG, dated March 27, 2009, the Commission granted FPL's December 14, 2007 Request. FPL incorporates by reference its December 14, 2007 Request..

6. The period of confidential treatment granted by Order No. PSC-09-0192-CFO-EG will soon expire. Some of the information that was the subject of FPL's December 14, 2007 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. FPL has identified the information that warrants continued confidential treatment in Second Revised Exhibit C. ("Confidential Information"). Accordingly, FPL hereby submits its Fourth Request for Extension of Confidential Classification.

7. Included herewith and made a part hereof is Second Revised Exhibit A, Second Revised Exhibit B, Second Revised Exhibit C, and Second Revised Exhibit D.

8. As noted above, FPL has determined that only some of the information, which was confidential at the time of the December 14, 2007 Request, warrants continued confidential treatment. Second Revised Exhibits A and B are not intended to replace Revised Exhibits A and B, which were filed with FPL's October 10, 2002 Amended Filing, in their entirety. Second Revised Exhibits A and B consist of copies of the specific working papers where FPL has determined that a portion of the information previously designated as confidential no longer requires confidential treatment. These pages are intended to replace the correspondingly numbered working papers FPL filed in Revised Exhibits A and B with its October 10, 2002 Amended Filing. Due to the voluminous nature of the Revised Exhibits A and B filed with FPL's October 10, 2002 Amended Filing, FPL has included in Second Revised Exhibits A and B only

the specific pages on which the confidentiality designation has changed, and confidentiality is no longer required or requested. The following working papers were revised, and are identified in Second Revised Exhibits A, B, and C: 9 and 9-1.

9. FPL has identified all of the information in the working papers that warrants continued confidential treatment in Second Revised Exhibit C. Second Revised Exhibit C contains a table identifying the specific pages, and line(s) or column(s) that remain confidential. The table also provides references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification. Second Revised Exhibit C also reflects that Anita Sharma has been added as an affiant in support of the continued confidential classification of the confidential documents.

10. Second Revised Exhibit D contains the affidavit of Anita Sharma.

11. FPL submits that the information identified in Second Revised Exhibit C continues to be proprietary and 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 materials are entitled to confidential treatment and are 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.

12. As the affidavit in Second Revised Exhibit D indicates, the information that FPL asserts is proprietary and confidential business information contains or constitutes information related to competitive interests, the disclosure of which would impair the competitive business of

the provider of the information. Specifically, the documents or materials contain or constitute sensitive business information related to FPL's marketing plans and strategies. Such information is protected from disclosure pursuant to sections 366.093(3)(e), Florida Statutes.

13. Certain of the documents or materials also contains or constitute customer specific account information. It is FPL's policy not to disclose customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. 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 and kWh, and customer bills. 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. This information is protected from disclosure pursuant to section 366.093(3)(e), Florida Statutes.

14. Nothing has changed since the filing of FPL's December 14, 2007 Request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

15. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it 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 Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler, Esq.  
Managing Attorney  
Scott A. Goorland, Esq.  
Principal Attorney  
Ilan G. Kaufer, Esq.  
Attorney for  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5675  
Facsimile: (561) 691-7135

By:



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Ilan G. Kaufer  
Fla. Bar No. 65394

**CERTIFICATE OF SERVICE  
DOCKET NO. 100002-EG**

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 27th day of September, 2010, to the following:

Katherine Fleming\*  
Lee Eng Tan  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Office of Public Counsel  
J. R. Kelly, Esq.  
Patricia Ann Christensen, Esq.  
Charlie Beck, Esq.  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

Beggs & Lane Law Firm  
Jeffrey Stone/Russell Badders/  
Steven Griffin  
Attorneys for Gulf Power Company  
P.O. Box 12950  
Pensacola, FL 32591-2950

Ausley Law Firm  
James Beasley/J. Jeffrey Wahlen  
Attorneys for Tampa Electric Company  
(TECO)  
P.O. Box 391  
Tallahassee, FL 32302

Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

Tampa Electric Company  
Paula K. Brown  
Regulatory Affairs  
P. O. Box 111  
Tampa, FL 33601-0111

Florida Industrial Power Users Group  
John W. McWhirter, Jr.  
c/o McWhirter Law Firm  
P.O. Box 3350  
Tampa, FL 33601-3350

Keefe Law Firm  
Vicki Gordon Kaufman/Jon C. Moyle, Jr.  
Attorneys for Florida Industrial Power  
Users Groups (FIPUG)  
118 North Gadsen Street  
Tallahassee, FL 32301

Beth Keating, Esq.  
Akerman Senterfitt  
Attorneys for Florida Public Utilities  
Company  
106 East College Ave., Ste 1200  
Tallahassee, FL 3230  
Beth.keating@akerman.com

Florida Public Utilities Company  
Joseph Eysie  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

James W. Brew  
F. Alvin Taylor  
Attorneys for White Springs Agricultural  
Chemicals, Inc.  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson St., NW  
Eighth Floor, West Tower  
Washington, DC 20007

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

Progress Energy Florida, Inc.  
Mr. Paul Lewis, Jr.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

Randy Miller  
White Springs Agricultural Chemicals,  
Inc.  
P.O. Box 300  
15843 Southeast 78th Street  
White Springs, FL 32096

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. 100002-EG**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on September 27, 2010, in the above-referenced docket.

Document Number 08087-10 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.