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October 18, 2010

**-VIA OVERNIGHT DELIVERY -**

Ms. Ann Cole, Director  
 Division of the Commission Clerk and Administrative Services  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850

**Re: Docket No. 100001-EI**

Dear Ms. Cole:

CLAIM OF CONFIDENTIALITY  
 NOTICE OF INTENT  
 REQUEST FOR CONFIDENTIALITY  
 FILED BY OPC  
 FOR DN 08737-10, WHICH  
 IS IN LOCKED STORAGE. YOU MUST BE  
 AUTHORIZED TO VIEW THIS DN. - CLK

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's Seventh Set of Interrogatories No.99. The original includes Exhibit 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 table for its Request for Confidential Classification. Exhibit D contains the affidavit of Gerard Yupp in support of FPL's Request for Confidential Classification. In accordance with Rule 25.22.006(3)(d), FPL requests confidential treatment of information in EXHIBIT A pending disposition of FPL's Request for Confidential Classification.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C. The operating system is windows XP, and the processing software is word.

- COM \_\_\_\_\_
- APA \_\_\_\_\_
- ECR 4+CD
- GCL \_\_\_\_\_
- RAD \_\_\_\_\_
- SSC \_\_\_\_\_
- ADM \_\_\_\_\_
- OPC \_\_\_\_\_
- CLK Enclosure

Please contact me if you or your Staff has any questions regarding this filing containing request and exhibit c fwd.

Sincerely,

Scott A. Goorland

cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER 08736 OCT 19 2010

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Fuel and Purchased Power )  
Cost Recovery Clause with Generating )  
Performance Incentive Factor )

Docket No: 100001-EI  
Filed: October 19, 2010

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
IN RESPONSE TO STAFF'S SEVENTH 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 Seventh Set of Interrogatories, No. 99 ("Confidential Discovery Response") which was served by Staff on September 27, 2010. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Seventh Set of Interrogatories on October 18, 2010, for overnight delivery to Staff on October 19, 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 Response 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.

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FPSC-COMMISSION CLERK

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.

d. Exhibit D is the affidavit of Gerard J. Yupp, Senior Director of Wholesale Operations for FPL, 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. 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 indicates, the information provided by FPL contains information concerning negotiated rates related to Florida Gas Transmission's Phase VIII expansion project. This information relates to competitive interests, the disclosure of which would impair the competitive business of FPL's counterparties. Such information is protected by Section 366.093(3)(e).

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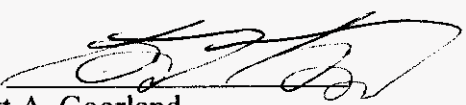
BY:   
Scott A. Goorland  
Fla. Bar No. 0066834

**CERTIFICATE OF SERVICE**  
**Docket No. 100001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on October 19, 2010, to the following:

|  |   |
|--|---|
| <p>Lisa Bennett, Esq.<br/>Division of Legal Services<br/>Florida Public Service Commission<br/>2540 Shumard Oak Blvd<br/>Tallahassee, Florida 32399-0850<br/><a href="mailto:LBENNETT@PSC.STATE.FL.US">LBENNETT@PSC.STATE.FL.US</a></p>  | <p>J. R. Kelly, Esq.<br/>Patricia Christensen, Esq.<br/>Charles Beck, Esq.<br/>Office of Public Counsel<br/>c/o The Florida Legislature<br/>111 West Madison Street, Room 812<br/>Tallahassee, Florida 32399<br/><a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a><br/><a href="mailto:Christensen.patty@leg.state.fl.us">Christensen.patty@leg.state.fl.us</a><br/><a href="mailto:beck.charles@leg.state.fl.us">beck.charles@leg.state.fl.us</a></p> |
| <p>James D. Beasley, Esq.<br/>J. Jeffrey Wahlen, Esq.<br/>Ausley &amp; McMullen<br/>Attorneys for Tampa Electric<br/>P.O. Box 391<br/>Tallahassee, Florida 32302<br/><a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a><br/><a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a></p> | <p>John T. Burnett, Esq.<br/>Progress Energy Service Company, LLC<br/>P.O. Box 14042<br/>St. Petersburg, Florida 33733-4042<br/><a href="mailto:john.burnett@pgnmail.com">john.burnett@pgnmail.com</a></p>  |
| <p>John W. McWhirter, Jr., Esq.<br/>McWhirter &amp; Davidson, P.A.<br/>Attorneys for FIPUG<br/>P.O. Box 3350<br/>Tampa, Florida 33602<br/><a href="mailto:jmewhirter@mac-law.com">jmewhirter@mac-law.com</a></p>   | <p>Beth Keating, Esq.<br/>Akerman, Senterfitt<br/>Attorneys for FPUC<br/>106 East College Avenue<br/>Suite 1200<br/>Tallahassee, Florida 32301<br/><a href="mailto:Beth.keating@akerman.com">Beth.keating@akerman.com</a></p>   |
| <p>Jeffrey A. Stone, Esq.<br/>Russell A. Badders, Esq.<br/>Beggs &amp; Lane<br/>Attorneys for Gulf Power<br/>P.O. Box 12950<br/>Pensacola, Florida 32591<br/><a href="mailto:jas@beggslane.com">jas@beggslane.com</a><br/><a href="mailto:rab@beggslane.com">rab@beggslane.com</a></p>               | <p>James W. Brew, Esq.<br/>Attorney for White Springs<br/>Brickfield, Burchette, Ritts &amp; Stone, The P.C.<br/>1025 Thomas Jefferson Street, NW<br/>Eighth Floor, West Tower<br/>Washington, DC 2007-5201<br/><a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a></p>  |

|   |   |
|---|---|
| <p>Robert Scheffel Wright, Esq<br/> Jay T. LaVia, III, Esq<br/> Young van Assenderp, P.A<br/> Attorneys for Florida Retail Federation<br/> 225 South Adams Street, Suite 200<br/> Tallahassee, FL 32301<br/> <a href="mailto:swright@yvlaw.net">swright@yvlaw.net</a><br/> <a href="mailto:jlavia@yvlaw.net">jlavia@yvlaw.net</a></p> | <p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq.<br/> Keefe, Anchors Gordon &amp; Moyle, P.A.<br/> 118 N. Gadsden St.<br/> Tallahassee, FL 32301<br/> Co-Counsel for FIPUG<br/> <a href="mailto:vkaufman@kagmlaw.com">vkaufman@kagmlaw.com</a><br/> <a href="mailto:jmoyle@kagmlaw.com">jmoyle@kagmlaw.com</a></p> |
| <p>Cecilia Bradley, Esq.<br/> Senior Assistant Attorney General<br/> Office of the Attorney General<br/> The Capitol - PL01<br/> Tallahassee, FL 32399-1050<br/> <a href="mailto:cecilia.bradley@myfloridalegal.com">cecilia.bradley@myfloridalegal.com</a></p>   | <p>Michael Barrett<br/> Division of Legal Services<br/> Florida Public Service Commission<br/> 2540 Shumard Oak Blvd<br/> Tallahassee, Florida 32399-0850<br/> <a href="mailto:MBARRETT@PSC.STATE.FL.US">MBARRETT@PSC.STATE.FL.US</a></p>   |
| <p>Captain Shayla L. McNeill<br/> Attorney for the FEA<br/> AFLOA/JACL-ULFSC<br/> 139 Barnes Drive, Suite 1<br/> Tyndall AFB, FL 32403-5319<br/> <a href="mailto:Shayla.mcneill@tyndall.af.mil">Shayla.mcneill@tyndall.af.mil</a></p>   | <p>Patrick K. Wiggins, Esq.<br/> Attorneys for AFFIRM<br/> P.O. Drawer 1657<br/> Tallahassee, FL 32302<br/> <a href="mailto:wigglaw@gmail.com">wigglaw@gmail.com</a></p>  |

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

**EXHIBIT “A”**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

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. 100001-EI**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a **CONFIDENTIAL DOCUMENT** filed on October 19, 2010, in the above-referenced docket.

Document Number 08737-10 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.