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

COMMISSION  
CLERK

October 22, 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

Re: Docket No. 070626-EI; Review of Florida Power & Light Company's  
Sunshine Energy Program

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its First Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 08-086-4-1. The original and the seven (7) copies include the First Extension Request Exhibit C and First Extension Request Exhibit D.

The First Request for Extension Exhibit C consists of FPL's justification for its First Request for Extension of Confidential Classification. First Extension Request Exhibit D contains the affidavits of Leonor Herrera and Paul Markovich in support of FPL's First Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 08-086-4-1. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 08-086-4-1 and First Request for Extension Exhibit C only in Microsoft Word format.

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

COM  
APA  
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RAD  
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ADM  
OPC  
CLK  
Pená

Enclosures  
cc: Parties of Record (w/out enc)

*(CPWD containing Request and exhibit C)*

Sincerely,

*Jessica Cano*  
Jessica A. Cano

DOCUMENT NUMBER - DATE

08809 OCT 22 0

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of Florida Power & Light )  
Company's Sunshine Energy Program )

Docket No. 070626-EI  
Filed: October 22, 2010

**FLORIDA POWER & LIGHT COMPANY'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 08-086-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests continued confidential classification of certain material provided to the Florida Public Service Commission ("Commission") Staff pursuant to Audit Control No. 08-086-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. On June 19, 2008, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit, along with attached Exhibits A through D. After several amendments and revisions to FPL's request on June 27, 2008, June 30, 2008, and October 23, 2008, the Commission granted FPL's Request for Confidential Classification by Order No. PSC-09-0267-CFO-EI. FPL's prior filings and exhibits are included herein by reference.

2. The period of confidential treatment granted by Order No. PSC-09-0267-CFO-EI will soon expire. The information that was the subject of Order No. PSC-09-0267-CFO-EI warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification. Included herewith are FPL's First Extension Request Exhibit C and First Extension Request Exhibit D.

3. First Extension Request Exhibit C contains a table identifying the specific pages, and the line(s) or column(s) on those pages, which remain confidential. The table also contains

references to the specific statutory basis or bases for the claim of confidentiality, and to the affidavit(s) that support continued confidential classification.

4. First Extension Request Exhibit D contains the affidavits of Leonor Herrera, Florida Power & Light Company, and Paul Markovich, Green Mountain Energy Company, in support of the continued confidential classification.

5. FPL submits that the information identified in its First Extension Request Exhibit C continues to be proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. Section 366.093, Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that disclosure of the information would cause harm to the company's business operations or its customers, and has not been disclosed publicly. The confidential information is intended to be and has been treated by FPL as private, 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

6. As the affidavits included in First Extension Request Exhibit D indicate, certain information provided by FPL contains or constitutes bids and contractual vendor data, such as pricing and other terms, the public disclosure of which would violate non-disclosure terms of FPL's contracts and impair the efforts of FPL to contract for goods and services on favorable terms in the future. This information is protected from public disclosure pursuant to Section

366.093(3)(d), Florida Statutes. Certain information is also related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, these documents or materials contain information such as pricing and other terms which Green Mountain Energy Company is prohibited from disclosing pursuant to its contractual obligations with third parties, and information involving the competitive interests and business strategies of Green Mountain, which if disclosed could harm its competitive business. Such information is protected from disclosure pursuant to Section 366.093(3)(e), Florida Statutes.

7. Nothing has changed since the issuance of Order No. PSC-09-0267-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate. This information remains contractually and/or competitively sensitive as described above.

8. Upon a finding by the Commission that the information described herein and identified on First Extension Request Exhibit C is 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 forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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

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

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 070626-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's First Request for Extension of Confidential Classification was served via hand delivery this 22nd day of October, 2010 to the following:

Katherine Fleming\*  
Jean Hartman\*  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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

**FIRST EXTENSION REQUEST  
EXHIBIT C**

DOCUMENT NUMBER DATE

8809 OCT 22 e

FPSC-COMMISSION CLEAR

**FIRST EXTENSION REQUEST  
EXHIBIT C**

COMPANY: Florida Power & Light Company  
 TITLE: List of Confidential Work Papers  
 AUDIT: Sunshine Energy Program  
 AUDIT CONTROL NO: 08-086-4-1  
 DOCKET NO. 070626- EI

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Report	Report	14	N N N N N N N N N Y Y N N N	Cover Table of Contents Pg. 1 Pg. 2 Pg. 3 Pg. 4 Pg. 5 Pg. 6 Pg. 7 Pg. 8 Lns. 28, 30, 32, 37-38 Pg. 9, Lns. 1-2, 13-18 Pg. 10 Pg. 11 Pg. 12	(e)	P. Markovich
1 Annotated	Report	10	N N N N N Y Y N N N	Pg. 3 Pg. 4 Pg. 5 Pg. 6 Pg. 7 Pg. 8, Lns. 28, 30, 32, 37-38 Pg. 9, Lns. 1-2, 13-18 Pg. 10 Pg. 11 Pg. 12	(e)	P. Markovich
5-7	Interrogatories	26	Y Y N N N N N N N Y N Y	Pg. 1, Lns. 3, 5, 11-15, 17-19 Pg. 2, Ln. 7, Chart Pg. 3 Pg. 4 Pg. 5 Pg. 6 Pg. 7 Pg. 8 Pg. 9 Pg. 10, Ln 10 Pg. 11 Pg. 12-26, ALL	(e)	P. Markovich
5-7/1	DSM	1	N			



Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
43	Summary Payments	1	N			
43-1	Support for Payments	23	N Y N	Pg. 1 Pg. 2, Cols. A-D Pgs. 3-23	(e)	P. Markovich
43-1/1	GMEC Costs	2	N	Pg. 1-2		
43-1/1-1	GMEC Program Costs	1	Y	Pg. 1, Lns. 21, 34, 38	(e)	P. Markovich
43-1/1-1/1	Science Museum	1	Y	Pg. 1, Lns. 5-9	(d)	Leo Herrera
43-1/1-1/2	Science Museum	5	Y	Pgs. 1-2, Cols. A-C Pgs. 3-5, ALL	(d)	Leo Herrera
43-1/1-1/3	Rothenbach Park Agreement	42	Y	Pgs. 1-42, ALL	(e)	P. Markovich
43-1/1-1/3-1	Assignment of Contract	8	Y N	Pgs. 1-7, ALL Pg. 8	(e)	P. Markovich
43-1/1-1/3-2	Lease	17	N	Pgs. 1-17		
43-1/1-2	Green Tag Costs	4	N Y Y	Pg. 1 Pg. 2, Lns. 12-13 Pgs. 3-4, ALL	(e)	P. Markovich
43-2/2	MAST Solar Agreement	5	N	Pgs. 1-5		
43-2/3	Edgewood Solar Agreement	6	N	Pgs. 1-6		
43-2/4	South Miami Solar Agreement	8	N	Pgs. 1-8		
43-2/5	Palm City Solar Agreement	6	N	Pgs. 1-6		
43-2/6	Quarry Solar Agreement	12	N	Pgs. 1-12		
43-3/1-1	Employees	3	N	Pgs. 1-3		
43-3/1-1/1	Adjustment to Salaries	16	N	Pgs. 1-16		
43-3/1-1/2	Job Descriptions	1	N	Pg. 1		
44 P 2	Summary of Contract	1	Y	Pg. 1, Lns. 1, 14-15	(d) (e)	Leo Herrera, P. Markovich
44-1	GMEC Contract	33	N Y N Y N Y Y Y N	Pg. 1-10 Pgs. 11, Ln 36 Pgs. 14-15 Pg. 16 Ln. 21 Pgs. 17-20 Pg. 21 Lns. 25-27 Pg. 22, Lns. 7-10,39-42 Pg. 23 Ln. 1 Pgs. 24-32	(d), (e)	Leo Herrera, P. Markovich
44-2	Sterling Planet Contract	14	Y	Pgs. 1-14	(d)	Leo Herrera

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
44-2/1	RFP Commercial	14	N	Pgs. 1-14		
45	Summary Attestation	2	Y	Pg. 2-3, Cols. A, C, D, F	(e)	P. Markovich
45-1	Attestation Statement	205	N Y	Pg. 1 (cover) Pgs. 2-205, ALL	(e)	P. Markovich
47-1	GMEC Annual Review 2007	33	Y Y Y Y Y Y Y Y Y N N Y N Y Y N N Y Y Y Y Y N N Y Y Y Y N N Y Y N Y N Y	Pgs. 1-3, ALL Pg. 4, Lns. 3-5 Pg. 5, Chart Pg. 6, Lns. 4-5, 7-10, 12-14 Pg. 7, Lns. 4-12 Pg. 8, Lns. 4-13 Pg. 9, Lns. 2-5, 7-13 Pg. 10, Lns. 3-16 Pg. 11, Chart, Lns. 2-4 Pg. 12 Pg. 13 Pg. 14, Lns. 5-11 Pg. 15 Pg. 16 Chart Pg. 17 Chart Pg. 18 Pg. 19 Pg. 20, Lns. 3-11 Pg. 21 Pg. 22 Pg. 23, Lns. 4-5, 7-12 Pg. 24, Lns. 3, 5-11 Pg. 25, Lns. 3, 5-9 Pg. 26, Lns. 3, 5-11 Pg. 27, Lns. 3-5 Pg. 28 Pg. 29 Pg. 30, Lns. 2-7 Pg. 31, Lns. 2, 7-8, 11-12 Pg. 32 Pg. 33, ALL	(e)	P. Markovich
47-2	Nov. Campaign Results	14	Y	Pg. 1, Ln. 4 Pgs. 2-14, ALL	(e)	P. Markovich
47-3	Direct Wave 9	13	Y	Pg. 1, Lns. 3-4 Pgs. 2-13, ALL	(e)	P. Markovich
47-4	Direct Wave 10	13	Y	Pg. 1-2, Lns. 3-5 Pgs. 3-13, ALL	(e)	P. Markovich
47-5	Wave 11	2	Y	Pgs. 1-2, ALL	(e)	P. Markovich
47-6	Wave 13	2	Y	Pgs. 1-2, ALL	(e)	P. Markovich
47-7	Impact Data	2	N Y	Pg. 1 Pg. 2, Cols. A-H	(e)	P. Markovich
47-8	Tail Tally	1	Y	Pg. 1, Cols. A-J	(e)	P. Markovich

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
47-9	Changes SP Contract	2	Y	Pgs. 1-2, ALL	(d)	Leo Herrera
47-10	Purchases 2004-2008	3	Y	Pg. 1, Cols. A-C Pg. 2, Cols. A-B, D-H Pg. 3, Cols. A-G	(e)	P. Markovich
48A	Summary Sample	1	Y	Pg. 1, Ln. 9	(d)	Leo Herrera
48	Sample	2	Y	Pgs. 1-2, Cols. A & E	(d)	Leo Herrera
49	Summary Vendor Selection	1	Y	Pg. 1, ALL	(d)	Leo Herrera
49-1/1	Business SP	4	N N	Pgs. 1-3 Pg. 4		
49-1/2	Eval GMEC	15	N	Pg. 1-15		
49-2	Bids GM	1	Y	Pg. 1, Ln. 6	(d)	Leo Herrera
49-2/2	GMEC Bid	34	N	Pg. 1-34		
49-2/3	Sterling Planet Bid	5	Y	Pgs. 1-5, ALL	(d)	Leo Herrera
49-2/4	Sterling Planet Commercial Bid	96	Y	Pgs. 1-96, ALL	(d)	Leo Herrera
52	Summary Contracts	1	Y	Pg. 1, ALL	(d)	Leo Herrera
52-1	Contract List	1	Y	Pg. 1, ALL	(d)	Leo Herrera
52-2	Attribute Contract	25	Y	Pgs. 1-25, ALL	(e)	P. Markovich
52-3	Attribute Contract	24	Y	Pgs. 1-24, ALL	(e)	P. Markovich
52-4	Attribute Contract	18	Y	Pgs. 1-18, ALL	(e)	P. Markovich
52-5	Attribute Contract	21	Y	Pgs. 1-21, ALL	(e)	P. Markovich
52-6	Attribute Contract	5	Y	Pgs. 1-5, ALL	(e)	P. Markovich
52-7	Attribute Contract	11	Y	Pgs. 1-11, ALL	(e)	P. Markovich
52-8	Attribute Contract	10	Y	Pgs. 1-10, ALL	(e)	P. Markovich
52-9	Attribute Contract	17	Y	Pgs. 1-17, ALL	(e)	P. Markovich
52-10	Attribute Contract	24	Y	Pgs. 1-24, ALL	(e)	P. Markovich

**FIRST EXTENSION REQUEST  
EXHIBIT D**

FORMER NUMBER-DATE

8809 OCT 22 e

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

STATE OF TEXAS )  
 )  
TRAVIS COUNTY )

**AFFIDAVIT OF PAUL MARKOVICH**

**BEFORE ME**, the undersigned authority, personally appeared Paul Markovich who, being first duly sworn, deposes and says:

1. My name is Paul Markovich. I am currently employed by Green Mountain Energy Company (Green Mountain) as Senior Vice President. My business address is 300 West 6<sup>th</sup> Street, 9<sup>th</sup> Floor, Austin, Texas. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents that are included in Exhibit A to FPL's First Request for Extension of Confidential Classification, for which I am listed as the affiant. This information is Green Mountain proprietary confidential business information. It includes information that Green Mountain is prohibited from disclosing pursuant to its contractual obligations with other parties and information that is competitively sensitive to Green Mountain, both in terms of its business operations and its negotiations and contractual relationships with other parties. This information, if publicly disclosed, would impair the competitive business of Green Mountain and harm its business operations. Green Mountain has maintained the confidentiality of these documents and materials.

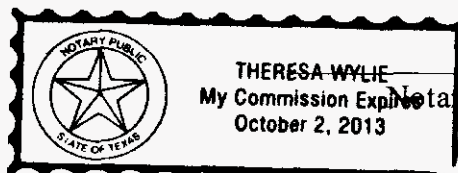
3. No significant changes have occurred since the issuance of Order No. PSC-09-0267-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, this information should continue to be maintained as confidential for an additional period of not less than eighteen months. In addition, these materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL and Green Mountain can continue to maintain the confidentiality of these documents.

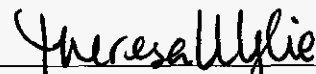
4. Affiant says nothing further.

  
\_\_\_\_\_  
Paul Markovich

**SWORN TO AND SUBSCRIBED** before me this 23rd day of September, 2010, by Paul Markovich, who is personally known to me and who did take an oath.

My Commission Expires:



  
\_\_\_\_\_  
Theresa Wylie  
Notary Public, State of Texas

DOCUMENT NUMBER DATE  
8809 OCT 22 09  
FPSC-COMMISSION CLERK

**FIRST EXTENSION REQUEST EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

STATE OF FLORIDA                    )  
  )  
MIAMI-DADE COUNTY                )       AFFIDAVIT OF LEONOR M. HERRERA

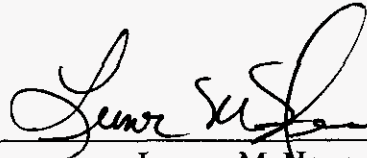
**BEFORE ME**, the undersigned authority, personally appeared Leonor M. Herrera who, being first duly sworn, deposes and says:

1. My name is Leonor M. Herrera. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Residential Market, Demand Side Management Programs. My business address is 9250 West Flagler Street, Miami Florida, 33174. I have personal knowledge of the matters stated in this affidavit.

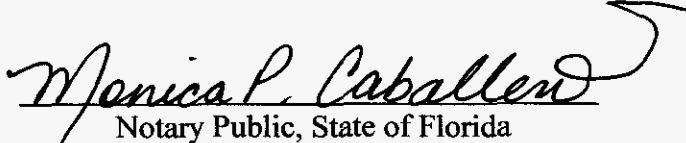
2. I have reviewed the documents that are identified in FPL's First Extension Request Exhibit C, which were included in Exhibit A to FPL's Request for Confidential Classification. The documents and materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute vendor bid and contractual data, such as pricing and other terms, the disclosure of which would violate non-disclosure terms of FPL's contracts and impair the efforts of FPL to contract for goods or services on favorable terms in the future, to the detriment of FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, these documents 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.

  
\_\_\_\_\_  
Leonor M. Herrera

**SWORN TO AND SUBSCRIBED** before me this 20<sup>th</sup> day of October, 2010, by Leonor M. Herrera, 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:

