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February 23, 2012

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 COMMISSION  
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**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. 120009-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 First Request for Extension of Confidential Classification of Exhibit FR-1 filed in Docket No. 100009-EI (Document No. 06931-10), including a Revised Exhibit C and Revised Exhibit D.

Revised Exhibit C contains FPL's justification table for its First Request for Extension of Confidential Classification, and Revised Exhibit D contains four affidavits in support of FPL's First Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification and Revised Exhibit C only in Microsoft Word format.

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

Sincerely,

*Jessica Cano*  
 Jessica A. Cano

COM \_\_\_\_\_  
 APA \_\_\_\_\_  
 ECR 3 + 1 CD  
 GCL \_\_\_\_\_  
 RAD \_\_\_\_\_  
 SRC \_\_\_\_\_  
 ADM \_\_\_\_\_  
 OPC \_\_\_\_\_  
 CLK \_\_\_\_\_

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Nuclear Power Plant )  
Cost Recovery Clause )

Docket No. 120009-EI  
Filed: February 23, 2012

**FLORIDA POWER & LIGHT COMPANY'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF EXHIBIT FR-1 (DOCUMENT NO. 06931-10)**

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 portions of Exhibit FR-1 to the joint testimony of Mr. Fisher and Mr. Rich filed in Docket No. 100009-EI (Document No. 06931-10). In support of its request, FPL states as follows:

1. On July 14, 2010, FPL requested confidential classification of portions of Staff's audit report on project management, which was subsequently attached to the prefiled joint testimony of Mr. Fisher and Mr. Rich as exhibit FR-1. FPL's request was subsequently revised at a "Confidentiality Hearing" on August 20, 2010, and marked as Confidentiality Hearing Exhibit No. 2. FPL's revised request was granted by Order No. PSC-10-0540-CFO-EI. FPL's revised request and exhibits A through D are incorporated herein by reference.

2. The period of confidential treatment granted by Order No. PSC-10-0540-CFO-EI will soon expire. All the information that was the subject of Order No. PSC-10-0540-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 a Revised Exhibit C and Revised Exhibit D.

3. Revised 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 continued confidential classification. Revised Exhibit D contains the affidavits of Antonio Maceo, Bruce Beisler, Paul Jacobs, and Mike Reynolds in support of this request.

4. The information that is the subject of Order No. PSC-10-0540-CFO-EI 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

5. As the affidavits included in Revised Exhibit D indicate, some of information in Exhibit FR-1 is proprietary, confidential business information. Exhibit FR-1 contains information related reports of internal auditors, which is protected from public disclosure by Section 366.093(3)(b), Florida Statutes. It also contains information related to bids or contractual data, such as pricing or other terms, the public disclosure of which would violate

nondisclosure provisions of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected from public disclosure by Section 366.093(3)(d), Florida Statutes. The Audit Report also includes competitively sensitive information which, if disclosed, could impair the competitive interests of the provider of the information and could impair current negotiations FPL is engaged in with certain vendors. Such information is protected by Section 366.093(3)(e), Florida Statutes. Additionally, information related to an internal investigation of an employee complaint is included. Because the investigation included interviews with employees, public disclosure of the employee names could have a chilling effect on employees' willingness to report concerns or otherwise fully cooperate with such investigations. This employee information is unrelated to their compensation, duties, qualifications, or responsibilities, and is therefore protected from public disclosure pursuant to Section 366.093(3)(f). Even if that subsection did not apply, this 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(3), such information is entitled to confidential treatment.

6. Nothing has changed since the issuance of Order No. PSC-10-0540-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate.

7. Upon a finding by the Commission that the information described herein 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  
Principal Attorney  
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. 120009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's First Request for Extension of Confidential Classification (without exhibits) was served by hand delivery\* or U.S. Mail this 23rd day of February, 2012 to the following:

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Lisa Bennett, Esq.  
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By: *Jessica Cano*  
Jessica A. Cano  
Fla. Bar No. 0037372

**Revised Exhibit C**

**Company:** Florida Power and Light Company  
**Title:** First Request for Extension of Confidential Classification of Project Management Internal Controls Report for Nuclear Plant Uprate and Construction Projects  
**Docket No.:** 120009-EI

<b>Document</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf. Y/N</b>	<b>Page/Col Numbers*</b>	<b>Florida Statute 366.093 (3) Subsection</b>	<b>Affiant</b>
Report	Internal Control Report for EPU & PTN	53	N	Pages 1-8, 10-18, 21, 24, 26-35, 37, 40-41, 43, 51-52;		
			Y	Page 9, Lines 5, 7, 9	(d), (e)	Bruce Beisler
				Page 19, Line 1	(d), (e)	J. Michael Reynolds
				Page 20, Lines 3-7	(b), (e)	Antonio Maceo
				Page 22, Lines 12-14, 16-17, 19-20	(e)	Paul Jacobs
				Page 22, Lines 34-36	(d)	J. Michael Reynolds
				Page 23, Col 4, Lines 1-11; Lines 13-14, 16; Col 3, Lines 19-21	(d), (e)	J. Michael Reynolds
				Page 25, Lines 18-19	(d), (e)	Bruce Beisler
				Page 36, Lines 18, 20-21	(d), (e)	Bruce Beisler
				Page 38, Lines 13, 18, 28, 37	(d), (e)	Bruce Beisler
				Page 39, Lines 3, 11, 17	(d), (e)	Bruce Beisler
	Page 42, Line 1	(d), (e)	Bruce Beisler			
	Page 44, Line 1	(e), (f)	Bruce Beisler			



Document	Description	No. of Pages	Conf. Y/N	Page/Col Numbers*	Florida Statute 366.093 (3) Subsection	Affiant
				Page 45, Line 1	(e), (f)	Bruce Beisler
				Page 46, Lines 3, 8-10	(e), (f)	Bruce Beisler
				Page 47, Line 1	(e), (f)	Bruce Beisler
				Page 48, Line 1	(d), (e)	Bruce Beisler
				Page 49, Line 1; Col 1, Lines 5-16	(d), (e)	Bruce Beisler
				Page 50, Lines 17-21, 23-24, 26	(d), (e)	Bruce Beisler
				Page 53, Lines 24, 26, 29	(d), (e)	Bruce Beisler

\*Note: page numbers correspond to the handwritten page numbers on each page in Exhibit A.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 120009-EI

STATE OF FLORIDA )  
PALM BEACH COUNTY )

AFFIDAVIT OF PAUL JACOBS

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

1. My name is Paul Jacobs. I am currently employed by Florida Power & Light Company ("FPL") as Nuclear Engineering Supervisor. I have personal knowledge of the matters stated in this affidavit.

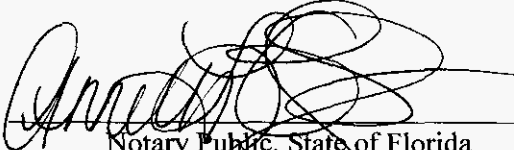
2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information contained in the 2010 Project Management Internal Controls audit report, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or 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.

3. No significant changes have occurred since the issuance of Order No. PSC-10-0540-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. 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 can continue to maintain the confidentiality of these documents.

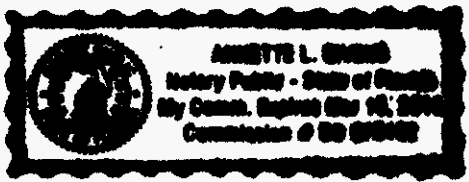
4. Affiant says nothing further.

  
\_\_\_\_\_  
Paul Jacobs

SWORN TO AND SUBSCRIBED before me this 22 day of February 2012, by Paul Jacobs, 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:



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 120009-EI

STATE OF FLORIDA )  
PALM BEACH COUNTY )

AFFIDAVIT OF J. MICHAEL REYNOLDS

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

1. My name is J. Michael Reynolds. I am currently employed by Florida Power & Light Company ("FPL") as Senior Sourcing Specialist. I have personal knowledge of the matters stated in this affidavit.

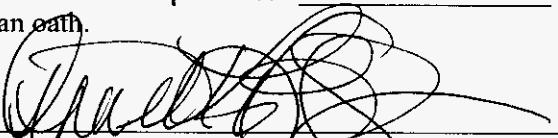
2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information contained in the 2010 Project Management Internal Controls audit report, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or 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.

3. No significant changes have occurred since the issuance of Order No. PSC-10-0540-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. 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 can continue to maintain the confidentiality of these documents.

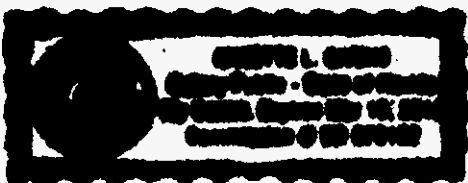
4. Affiant says nothing further.

  
\_\_\_\_\_  
J. Michael Reynolds

SWORN TO AND SUBSCRIBED before me this 22 day of February 2012, by J. Michael Reynolds, 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:



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 120009-EI

STATE OF FLORIDA )

**AFFIDAVIT OF BRUCE BEISLER**

PALM BEACH COUNTY )

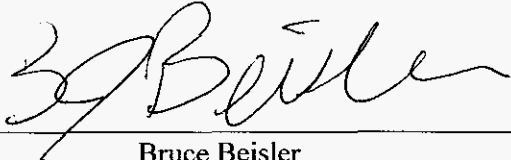
**BEFORE ME**, the undersigned authority, personally appeared Bruce Beisler who, being first duly sworn, deposes and says:

1. My name is Bruce Beisler. I am currently employed by Florida Power & Light Company ("FPL") as Project Manager, Nuclear. I have personal knowledge of the matters stated in this affidavit.

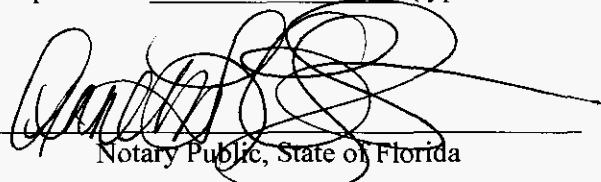
2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information contained in the 2010 Project Management Internal Controls audit report, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including contractual data and competitively sensitive 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. Additionally, information related to an internal investigation of an employee complaint is included. 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. To the best of my knowledge, FPL has maintained the confidentiality of these materials.

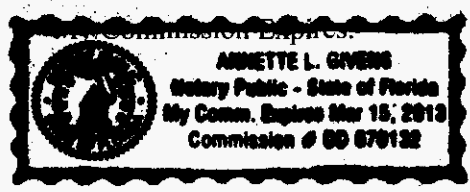
3. No significant changes have occurred since the issuance of Order No. PSC-10-0540-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. 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 can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

  
\_\_\_\_\_  
Bruce Beisler

**SWORN TO AND SUBSCRIBED** before me this 22 day of February 2012, by Bruce Beisler, 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



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 120009-EI

STATE OF FLORIDA )  
MIAMI-DADE COUNTY )

AFFIDAVIT OF ANTONIO MACEO

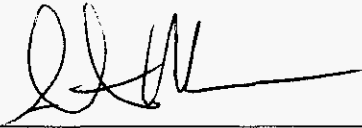
BEFORE ME, the undersigned authority, personally appeared Antonio Maceo who, being first duly sworn, deposes and says:

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Auditing. I have personal knowledge of the matters stated in this affidavit.

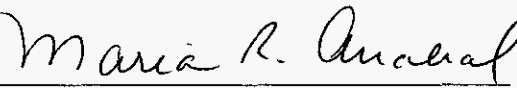
2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information contained in the 2010 Project Management Internal Controls audit report, for which I am identified on Exhibit C as the affiant. The documents or materials that I have reviewed contain information related to reports of internal auditors. Full and frank disclosure of information to the Internal Auditing department is essential for the department to fulfill its role, and the confidential status of internal auditing findings and reports supports such disclosure. The release of information related to reports of internal auditors would be harmful to FPL and its customers because it may affect the effectiveness of the Internal Auditing Department itself. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-10-0540-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. 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 can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

  
Antonio Maceo

SWORN TO AND SUBSCRIBED before me this 22 day of February 2012, by Antonio Maceo who is personally known to me or who has produced drivers License (type of identification) as identification and who did take an oath.

  
Notary Public, State of Florida

My Commission Expires:

