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July 23, 2012

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

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

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Re: Docket No. 120015-EI:
Petition for Increase in Rates by Florida Power & Light Company

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 regarding confidential information included in its responses to the Staff of the Florida Public Service Commission's Seventh Set of Interrogatories No. 242, Attachment 1, Staff's Sixth Request for Production of Documents No. 50: Part 1 (only Attachments 22 and 35) and Part 2 (all), Office of the Public Counsel's ("OPC") First Request for Production of Documents No. 8, and OPC's Eighth Set of Interrogatories Nos. 144, 146, 148, 149, 151, 157 and 161. The original includes Exhibit A through D. The seven (7) copies do not include the exhibits.

Exhibit A consists of the confidential documents, 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 consists of FPL's justification for its Request for Confidential Classification. Exhibit D contains seven original affidavits and copies of the affidavits of Sol Stamm and Gary McBean in support of FPL's Request for Confidential Classification. The original affidavits of Sol Stamm and Gary McBean will be filed under separate cover as soon as possible. Also included in this filing is a CD containing FPL's Request for Confidential Classification and Exhibit C in Microsoft Word format.

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

Sincerely,

Maria J. Moncada

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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

an FPL Group company

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company

Docket No. 120015-EI
July 23, 2012

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF DOCUMENTS PRODUCED IN DISCOVERY**

Pursuant to Section 366.093, Florida Statutes (2011) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code (2011) ("Rule 25-22.006"), Florida Power & Light Company ("FPL") requests confidential classification of certain information included in its responses to the Staff of the Florida Public Service Commission's ("Staff's") Seventh Set of Interrogatories No. 242, Attachment 1, Staff's Sixth Request for Production of Documents No. 50: Part 1 (only Attachments 22 and 35) and Part 2 (all), Office of the Public Counsel's ("OPC") First Request for Production of Documents No. 8, and OPC's Eighth Set of Interrogatories Nos. 144, 146, 148, 149, 151, 157 and 161 (collectively, the "Confidential Discovery Responses"). In support of this request, FPL states as follows:

1. On July 2, 2012, FPL filed a Notice of Intent to Request Confidential Classification of the Confidential Discovery Responses.¹ Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in the Confidential Discovery Responses provided to Staff with the Notice of Intent.

¹ The July 2, 2012, Notice of Intent also included Staff's Sixth Request for Production of Documents No. 50: Part 1 (attachments 28) and OPC's First Set of Interrogatories No. 13. FPL has since determined that those documents do not require confidential classification.

2. The following exhibits are included with and made a part of this request:
 - a. Exhibit A consists of a copy the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been highlighted.
 - b. Exhibit B consists of a copy of the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been redacted. Where multiple consecutive pages are confidential, a page labeled “redacted” has been inserted.
 - c. Exhibit C is a table that identifies the specific line and page references to the confidential materials for which FPL seeks confidential treatment. The table also references the specific statutory bases for confidentiality and the affiants who support the requested classification.
 - d. Exhibit D consists of the affidavits of Christopher Herron, Bruce Wuenker, David Bromley, Pamela Metz, Solomon Stamm, Maria Besada, Antonio Maceo and Gary McBean.
3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). 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 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, certain documents provided by FPL contain information related to internal auditing controls and reports of internal auditors.

This information is protected by Section 366.093(3)(b). Also, certain information contains contractual data such as pricing and other terms payment records and vendor supplier rates, the disclosure of which would impair the efforts of FPL to contract on commercially favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. This information is protected by Section 366.093(3)(d), Fla. Stat.

5. Certain information also relates to FPL's competitive interests. Disclosure would impair the competitive business of FPL and the provider of the information. Such information is protected by Section 366.093(3)(e), Fla. Stat. Additionally, certain of these materials contain competitively sensitive information related to certain employees' compensation, the disclosure of which could impair FPL's competitive interests.

5. 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. (2011).

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 Request for Confidential Classification be granted.

Respectfully submitted,

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By: 

Maria J. Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification (*) has been furnished by hand delivery hand delivery (**) or U.S. Mail this 23rd day of July, 2012, to the following:

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By: _____


Maria J. Moncada

* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.