



claim of confidentiality  
 notice of intent  
 request for confidentiality  
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May 15, 2013

**VIA HAND 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

RECEIVED-FPSC  
 13 MAY 15 PM 4:19  
 COMMISSION CLERK

**Re: Docket No. 130001-EI**

Dear Ms. Cole:

I enclose for filing in the above docket an original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Materials Provided Pursuant to Audit No. 13-016-4-3. The original includes Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all the 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 is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains three affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc 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

Enclosure  
 cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)

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Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Fuel and purchase power cost recovery  
clause with generating performance incentive  
factor

Docket No: 120001-EI  
Date: May 15, 2013

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 13-016-4-3**

Pursuant to Section 366.093, Florida Statutes (2012) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code (2012) ("Rule 25-22.006"), 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. 13-016-4-3 ("the Audit"). In support of this request, FPL states as follows:

1. During the Audit, FPL provided Staff with various confidential documents. By letter dated April 24, 2013, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of the letter to file a formal request for confidential classification with respect to the work papers. Accordingly, FPL files this Request for Confidential Classification to maintain continued confidential handling of the confidential work papers.

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 the information that is entitled to confidential treatment under Florida law has been redacted. For the attachments in which the entire attachment is confidential, FPL has included only identifying cover pages in Exhibit B.

c. Exhibit C is a table that identifies the specific line, field or 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 Antonio Maceo, J. Carine Bullock and Gerard Yupp.

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 constitute internal auditing controls, reports or notes of internal auditors, or information relating to internal auditing reports issued in 2012. This information is protected by Section 366.093(3)(b), Fla. Stat.

5. Additionally, certain documents contain information regarding capacity and energy such as pricing and other terms. The disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers and vendors. This information is protected by Section 366.093(3)(d), Fla. Stat.

6. Also, certain information in these documents and materials concern FPL's competitive interests, and would place FPL at a disadvantage when coupled with the other information that is publicly available. This information is protected by Section 366.093(3)(e), Fla. Stat.

7. 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. (2012).

**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,

Maria J. Moncada, Principal Attorney  
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Email: maria.moncada@fpl.com

By: 

\_\_\_\_\_  
Maria J. Moncada  
Fla. Bar No. 0773301

**CERTIFICATE OF SERVICE**

**Docket No. 130001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification\* has been furnished by hand delivery\*\* or the United States Mail this 15<sup>th</sup> day of May, 2013 to the following:

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By:   
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Maria I. 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.

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE  
COVER**