

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

May 16, 2008

-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. 080009-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of FPL's Request for Confidential Classification (Exhibit SDS-4), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential documents that is the subject of the confidentiality request.

If there are any questions regarding this transmittal, please contact me at 561-304-5226.

Sincerely,

Terry J. Keith
for Jessica A. Cano

CMP _____

COM _____

CTR _____

ECR 3

GCL 3 + Diskette
Enclosure

OPC _____

RCA _____

SCR _____

SGA _____

SEC _____

OTH 1 conf
records

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

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)
_____)

DOCKET NO. 080009-EI

Filed: May 19, 2008

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF EXHIBIT SDS-4**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of Exhibit SDS-4 to the pre-filed testimony of FPL witness Steven D. Scroggs, which was filed in connection with FPL's petition in this docket. In support of its request, FPL states:

1. Exhibit SDS-4 comprises a side by side comparison of various technical features, as well as a cost and performance data, for the alternative designs FPL is considering for Turkey Point 6 & 7. This comparative information was taken from responses to information requests that FPL made to the vendors for alternative designs. Because of the obvious competitive sensitivities, the vendors consider this information to be highly proprietary and confidential, and they agreed to provide it to FPL pursuant to non-disclosure agreements that require FPL to protect all of the vendor information from public disclosure. Accordingly, FPL filed a notice of intent to seek confidential classification of this information on May 1, 2008. 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. This request is being filed consistent with that Rule.

2. The vendor information in Exhibit SDS-4 is proprietary confidential business information within the meaning of section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Specifically, the vendor information constitutes "information concerning

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FPSC-COMMISSION CLERK

bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods and services on favorable terms” (section 366.093(3)(d)) and “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information” (section 366.093(3)(e)). Disclosure of this information would impair the competitive interests of the vendors and jeopardize their ability to negotiate contract terms. Disclosure of this information also would substantially impair FPL’s prospective ability to solicit bids, to the detriment of FPL and its customers. The Commission has previously determined that this information constitutes proprietary confidential business information, when it was provided in Docket No. 070650-EI. Order No. PSC-08-0037-CFO-EI (Jan. 14, 2008).

3. The following exhibits are included with and made a part of this request:

a. Exhibit A consists of a copy of SDS-4, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Exhibit B consists of a page identifying the title of Exhibit SDS-4 and noting that the contents are confidential. Because FPL seeks confidential classification of the entire text of Exhibit SDS-4, no purpose would be served by reproducing a full redacted version of that exhibit.

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 Steven D. Scroggs, who is the Senior Director of Project Development for FPL.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. 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.

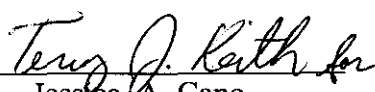
5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. 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.

WHEREFORE, FPL respectfully requests confidential classification of Exhibit SDS-4 as described herein.

Respectfully submitted,

R. Wade Litchfield, Vice President and
Associate General Counsel
John T. Butler
Senior Attorney
Jessica Cano
Attorney
Florida Power & Light Company
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Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

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


CERTIFICATE OF SERVICE
Docket No. 080009-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Exhibit SDS-4 (*) has been furnished by overnight delivery (**) or U.S. Mail on the 16th day of May, 2008, to the following:

Lisa Bennett, Esq.**
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.
Steve Burgess, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042


Jessica A. Cano

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

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

CONFIDENTIAL

Public Service Commission

ACKNOWLEDGEMENT

DATE: May 19, 2008

TO: Jessica A. Cano, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080001 or, if filed in an undocketed matter, concerning Exhibits SDS-4 to prefiled testimony of FPL's witness Steven D. Scroggs, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

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