



John T. Butler
 Senior Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 304-5639
 (561) 691-7135 (Facsimile)
 E-mail: john_butler@fpl.com

August 20, 2008

-VIA HAND DELIVERY -

Ms. Ann Cole
 Commission Clerk
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

RECEIVED-FPSC
 08 AUG 20 PM 2:50
 COMMISSION
 CLERK

Re: Docket No. 080009-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Contained In The Revised Direct Testimony And Exhibits Of William R. Jacobs, Jr., Ph.D., together with a diskette containing the electronic version of same. A copy of Exhibit C is also attached to the diskette. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request. Please note that Exhibit D are signed copies of the Affidavit. The original signed Affidavits will be filed under separate cover.

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

- COM _____
- ECR _____ 5639.
- GCL 2 + Diskette
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK 1

Enclosure

cc: Counsel for parties of record (w/encl.)

Sincerely,

John T. Butler

DOCUMENT NUMBER-DATE

07492 AUG 20 08

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant)
Cost Recovery Clause)

DOCKET NO. 080009-EI

FILED: August 20, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
CONTAINED IN THE REVISED DIRECT TESTIMONY AND EXHIBITS
OF WILLIAM R. JACOBS, JR., Ph.D.**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) requests confidential classification of certain information contained in the prepared Revised Direct Testimony and Exhibits of William R. Jacobs, Jr., Ph.D., on behalf of the Citizens of the State of Florida (“OPC”). In support of its Request, FPL states as follows:

1. On July 30, 2008 FPL filed its Notice of Intent to Request Confidential Classification with regard to the Revised Direct Testimony and Exhibits of William R. Jacobs, Jr., Ph.D. (“Testimony”). Pursuant to Rule 25-22.006(3)(a), FPL has until August 20, 2008, to file a formal request for confidential classification with respect to the Testimony. This Request is intended to request confidential classification of the confidential portions of the Report consistent with Rule 25-22.006(3)(a).

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

a. Composite Exhibit A consists of copies of the Working Papers, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

DOCUMENT NUMBER-DATE

07492 AUG 20 08

FPSC-COMMISSION CLERK

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavits of William P. Labbe, Jr. and Steven D. Scroggs.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to Section 366.093, the information highlighted in Exhibit A 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.

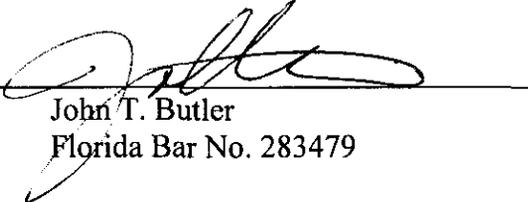
5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3)." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's request. Further support for FPL's request for confidential classification of the referenced information is provided through the affidavits that are included as Exhibit D to this Request.

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).

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President & General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408-0420
Telephone: 561-304-5639
Fax: 561-691-7135

By: 

John T. Butler
Florida Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 080009-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Information Contained In The Revised Direct Testimony And Exhibits Of William R. Jacobs, Jr., Ph.D. (*) has been furnished by hand delivery (**) or U.S. Mail on this 20th day of August 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/Joseph McGlothlin
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

J. Michael Walls
Diane M. Tripplett
Carlton Fields Law Firm
P.O. Box 3239
Tampa, Florida 33601-3239

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

John W. McWhirter, Jr., Esq.
McWhirter Reeves
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
117 South Gadsden Street
Tampa, Florida 33602

Michael B. Twomey, Esq.
Attorney for AARP
Post Office Box 5256
Tallahassee, Florida 32314-5256

James W. Brew, Esq.
Attorneys for PCS Phosphate-White Springs
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW,
Eighth Floor, West Tower
Washington, DC 20007-5201

Karin S. Torain, Esq.
Atty for PCS Phosphate/White Springs
PCS Administration (USA) Inc.
Suite 400
Skokie Boulevard
Northbrook, IL 60062


John T. Butler

* 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

Public Service Commission

ACKNOWLEDGEMENT

DATE: August 20, 2008

TO: Brayan S. Anderson, Florida Power & Light

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 080009 or, if filed in an undocketed matter, concerning certain information contained in prepared Revised Direct Testimony and Exhibits of William R. Jacobs, Jr., Ph.D, and filed on behalf of Citizens Of The State Of Florida (OPC). 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.

DOCUMENT NUMBER - DATE
07493 AUG 20 08
FPSC - COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us