



John T. Butler
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November 21, 2008

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-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

Re: Docket No. 080001-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 ("FPL's") Request for Confidential Classification of certain information contained in FPL's Exhibit No.58, together with a CD containing the electronic version of same.

Please note that Exhibit D, affidavit of Terry O. Jones is a copy, the original will be provided under separate cover.

- COM _____
- ECR _____
- GCL 1 + CD
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK 1 Enclosure

If there are any questions regarding this transmittal, please contact me at 561-304-5639

Sincerely,

John T. Butler.

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

DOCUMENT NUMBER-DATE

10864 NOV 21 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)

Docket No. 080001-EI
Filed: November 21, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
CONTAINED IN FPL'S EXHIBIT NO. 58**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of information contained in FPL's Exhibit No. 58 introduced during the fuel hearings on November 12, 2008. In support of its Request, FPL states as follows:

1. During the fuel clause hearings, FPL introduced Exhibit No. 58 that reports on the results of an independent, third-party evaluation of the safety conscious work environment at FPL' Turkey Point nuclear plant. FPL withholds the information in Exhibit No.58 from public disclosure pursuant to the United States Nuclear Regulatory Commission's confidentiality rule, 10 CFR 2.390, because it relates to nuclear plant security matters. This Request is intended to request confidential classification consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Exhibit A consists of a copy of Exhibit No.58 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 3 pages identifying the title of the confidential documents and noting that the contents are confidential. Because FPL seeks confidential classification of the entire text of these documents, no purpose would be served by reproducing a full redacted version.

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 Terry O. Jones, Vice President of Nuclear Operations in the Midwest Region.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. To the best of FPL's knowledge, the highlighted information has not been publicly disclosed. 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 affidavit provided in Exhibit D indicates, the information contained in Exhibit No. 58 relates to security and, if made public, would disclose certain details about FPL's security measures, system or procedures to the detriment of FPL, its customers and the general public. This information is protected by section 366.093(3)(c), Florida Statutes.

5. Upon a finding by the Commission that the information highlighted in Exhibit A and referenced in Exhibit C is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes, 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), Florida Statutes.

WHEREFORE, FPL respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
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Senior Attorney
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Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: 

John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 080001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (*) has been furnished by hand delivery (**) or U.S. Mail on the 21st day of November, 2008, to the following:

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

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By: 
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: November 21, 2008

TO: John T. Butler, 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 080001 or, if filed in an undocketed matter, concerning information contained in Exhibit No. 58, 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.

DOCUMENT NUMBER - DATE
10865 NOV 21 8
FPSC - COMMISSION CLERK

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