



Jessica Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
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January 12, 2009

VIA OVERNIGHT DELIVERY

RECEIVED-FPSC
09 JAN 13 PM 1:31
COMMISSION
CLERK

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

Re: Docket No. 090007-EI; Florida Power & Light's Second Request for Extension of
Confidential Classification of Documents Provided in Audit No. 05-033-4-1

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Second Request for Extension of Confidential Classification regarding confidential information provided pursuant to Staff's Environmental Cost Recovery Clause Audit for the year ended December 31, 2004. The original includes Revised Exhibit C and Revised Exhibit D. Revised Exhibit D contains the original affidavits of Robert Onsgard and Terry Keith. The seven (7) copies do not include the exhibits.

A compact disc with FPL's Request and Revised Exhibit C in Word format is also included.

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

Sincerely,

Jessica Cano
Jessica Cano

COM _____

ECR _____

GCL HC D

OPC _____

RCP _____

SSC _____

SGA _____

ADM _____

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

DOCUMENT NUMBER-DATE

00322 JAN 13 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)

Docket No. 090007-EI
Filed: January 13, 2009

SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 05-033-4-1

NOW BEFORE THIS COMMISSION, through the undersigned counsel, comes Florida Power & Light Company (“FPL”) and, pursuant to rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby submits its Second Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with the Audit No. 05-033-4-1 (the “Audit”). In support of this Second Request for Extension of Confidential Classification, FPL states as follows:

1. Petitioner’s name and address are:

Florida Power & Light Company
P.O Box 029100
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33048

2. On March 15, 2007, FPL filed its First Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A, B and C, and included revised Exhibit D. FPL adopts and incorporates by reference the March 15, 2007 Request, including Exhibits A, B, C and D thereto.

3. By Order No. PSC-07-0582-CFO-EI, dated July 13, 2007, the Commission granted FPL's March 15, 2007 Request.

4. The period of confidential treatment granted by Order No. PSC-07-0582-CFO-EI will soon expire. All of the information that was the subject of FPL's March 15, 2007 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

5. Included herewith and made a part hereof is a Revised Exhibit C to reflect a new affiant in support of the continued confidential classification of these documents. Also included is a Revised Exhibit D which contains the affidavits of Robert Onsgard and Terry Keith.

6. FPL submits that the information identified in Revised Exhibit C continues to be proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. Pursuant to section 366.093, such materials are entitled to confidential treatment and are entitled to confidential treatment and are 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.

7. As the affidavits of Robert Onsgard and Terry Keith indicate, the information that FPL asserts is proprietary and confidential business information includes information related to internal auditing reports and associated documents. Such information is proprietary confidential business information pursuant to section 366.093(3)(b), Florida Statutes. Additionally, certain information relates to customer specific account information. It is FPL's policy not to disclose

customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests. This information is protected pursuant to section 366.093(3)(e), Florida Statutes.

8. FPL requests that this information be accorded continued confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler
Managing Attorney
Jessica A. Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

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

CERTIFICATE OF SERVICE

Docket No. 090007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery* or U.S. mail on January 12, 2009 to the following:

Martha Brown, 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 W Madison St. Room 812
Tallahassee, FL 32399-1400

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

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

John W. McWhirter, Jr., Esq.
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, Florida 33601-3350
Attorneys for FIPUG

Gary V. Perko, Esq.
Hopping Green & Sams
P.O Box 6526
Tallahassee, FL 32314
Attorneys for Progress Energy Florida

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

Capt Sayla L. McNeill, Esq.
Karen S. White, Esq.
Federal Executive Agencies
c/o AFCESA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

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

REVISED EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Workpapers
AUDIT: FPL Environmental Cost Recovery Clause Audit from
Jan. 1 — Dec. 31, 2004
AUDIT CONTROL NO: 05-033-4-1
DOCKET NO. 090007-EI
DATE: January 13, 2009

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.903(3) Subsection	Affiant
9	List of Internal Audits	1	Y	Col. C	(b)	R. Onsgard
9-1	Internal Audit	2	Y	pp.1-2 All	(b)	R. Onsgard
41 -1/1-1	Revenue	2	Y	p.1 lines 1-51, Col. A p.2 lines 1-51 Col. A	(e)	T. Keith
41 -1/1-2	Revenue	2	Y	p.1 lines 1-51, Col. A p.2 lines 1-9, Col. A	(e)	T. Keith
43 -2/2	Expense	2	N			

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)

Docket No. 090007-EI

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

AFFIDAVIT OF TERRY J. KEITH

BEFORE ME, the undersigned authority, personally appeared Terry J. Keith who, being first duly sworn, deposes and says:

1. My name is Terry J. Keith. I am currently employed by Florida Power & Light Company ("FPL") as Director of Cost Recovery Clauses. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 05-033-4-1, filed on August 4, 2005. Documents or materials that I have reviewed include customer-specific account information. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but it is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-07-0582-CFO-EI to render the information state or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Terry J. Keith
Terry J. Keith

SWORN TO AND SUBSCRIBED before me this 8th day of January, 2009, by Terry J. Keith, who is personally known to me or who has produced P.I.D (type of identification) as identification and who did take an oath.

Monica Lynn Padron
Notary Public, State of Florida

My Commission Expires: 12/18/11

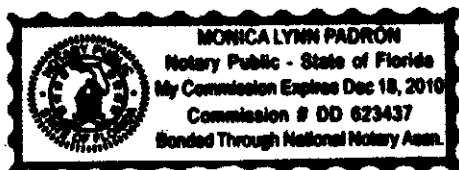


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)

Docket No. 090007-EI

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF ROBERT ONSGARD

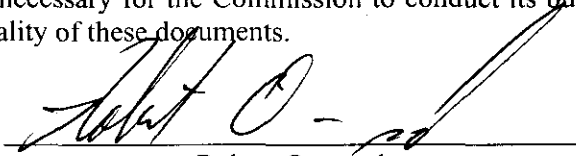
BEFORE ME, the undersigned authority, personally appeared Robert Onsgard who, being first duly sworn, deposes and says:

1. My name is Robert Onsgard. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Internal Auditing. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 05-033-4-1, filed on August 4, 2005. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute internal auditing controls and reports of internal auditors or information relating to same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-07-0582-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.



Robert Onsgard

SWORN TO AND SUBSCRIBED before me this 8th day of January, 2009, by Robert Onsgard, who is personally known to me or who has produced FL ID (type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires: 10/18/10

