

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date: 1/22/2008 **Docket No.:** 090037-EI

1. Division Name/Staff Name: Gcl - Kathryn Cowdery

2. OPR: Kathryn Cowdery

3. OCR: Tripp Coston

4. Suggested Docket Title: Florida Power & Light 's request for confidential treatment of certain information contained in report: Review of Florida Power & Light's Quality Assurance Process for Distribution Construction.

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CLERK

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES OR ACRONYMS ONLY if a regulated company.
- B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

1. Parties and their representatives (if any):

2. Interested persons and their representatives (if any):

6. Check one:

Documentation is attached.

Documentation will be provided with recommendation.

DOCUMENT NUMBER-DATE

00540 JAN 22 8



Kenneth M. Rubin
 Senior Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 691-2512
 (561) 691-7135 (Facsimile)
 E-mail: ken.rubin@fpl.com

December 19, 2008

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-VIA HAND DELIVERY-

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

This request for confidentiality was filed by or on behalf of a telecommunications company for undocketed Confidential Document No. 11716-08. No ruling is required unless the material is subject to a request per 119.07, FS. Your division director must obtain written permission from the EXD/Tech for you to access the confidential material.

Re: Docket No. 080000

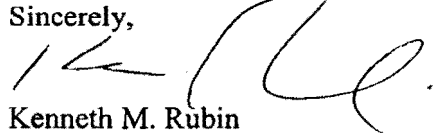
Dear Ms. Cole:

I am enclosing for filing in the above docket the original and fifteen (15) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Staff's Review of Florida Power & Light's Quality Assurance Process for Distribution Construction ("the Request"). The original includes Exhibits A, B, C and D.

Exhibit A consists of certain documents on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted for filing in a separate, sealed envelope marked "EXHIBIT A - CONFIDENTIAL." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification for its Request for Confidential Classification. Exhibit D contains an affidavit in support of FPL's Request. Also enclosed is an electronic version of the Request and Exhibit C. The enclosed disk is HD density, the operating system is Windows XP, and the word processing software is Word.

If there are any questions regarding this transmittal, please contact me at 561-691-2512.

- COM _____
- ECR _____
- GCL 1+CD
- OPC _____
- RCP** _____
- SSC _____ Enclosures
- SGA _____ cc: Lisa Harvey, Bureau Chief [Request only]
- ADM _____ William "Tripp" Coston, Operating Review Specialist [Request only]
- CLK 1

Sincerely,

 Kenneth M. Rubin

DOCUMENT NUMBER-DATE
 11715 DEC 19 08
 FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: FPSC Report re: FPL's Quality)
Assurance Process for Distribution)
Construction)

DOCKET NO. 080000

FILED: December 19, 2008

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION**

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 provided to the Florida Public Service Commission ("Commission") staff ("Staff") in connection with Staff's Review of Florida Power & Light's Quality Assurance Process for Distribution Construction. In support of its Request, FPL states as follows:

1. By letter dated November 26, 2008, Staff provided FPL with a draft copy of its report (the "Report") entitled *Florida Power & Light's Quality Assurance Process for Distribution Construction*. In that letter Staff indicated its intent to publish the Report as soon as possible after the 21 day filing period which expires on December 19, 2008. Pursuant to Rule 25-22.006(3), Florida Administrative Code, FPL was given 21 days from the date of that letter, or until December 19, 2008, to file a formal request for confidential classification with respect to the Report. This Request is being filed pursuant to Rule 25-22.006(3)(a).

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

a. Exhibit A consists of copies of specified pages of the Report (pages 12, 14, 16, 18 and 19), 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."

(3)(a)(2)

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

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 affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Robert Onsgard.

3. FPL seeks confidential treatment of the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes, specifically including but not limited to Section 366.093(3)(b). The information is intended to be and has been treated by FPL as confidential.

4. Pursuant to Section 366.093, Florida Statutes, 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. As the affidavit in Exhibit D indicates, the highlighted information consists of information from internal auditing controls and reports of internal auditors and references to confidential audits and underwriting risk assessments. This auditing information is protected by Section 366.093(3)(b), Florida Statutes.

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

Respectfully submitted,

Kenneth M. Rubin
Senior Attorney
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408-0420
Telephone: 561-691-2512
Fax: 561-691-7135

By: 

Kenneth M. Rubin
Fla. Bar No. 349038

EXHIBIT "C"

080000-0T

JUSTIFICATION TABLE

COM _____
ECR _____
GCL L
OPC _____
RCP L
SSC _____
SGA _____
ADM _____
CLK _____

DOCUMENT NUMBER-DATE

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EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: FPSC Report re: FPL's Quality Assurance Process for Distribution Construction
PERIOD: August 2008 - December 2008

Report Page No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
12	Internal Audit Finding Description	1	Y	Line Nos. 10, 11, 12, 13, 14, 15, 16, 17	(b)	R. Onsgard
14	Internal Audit Finding Description	1	Y	Line Nos. 8, 9, 10, 11, 12, 13, 14, 15, 16	(b)	R. Onsgard
16	Internal Audit Report Description	1	Y	Line Nos. 33, 34, 35	(b)	R. Onsgard
18	Section 2.3 FPL Corporate Audit Oversight	1	Y	Page 18 All	(b)	R. Onsgard
19	Section 2.3 FPL Corporate Audit Oversight	1	Y	Page 19 All	(b)	R. Onsgard

DOCUMENT NUMBER-DATE
 11718 DEC 19 08
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