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March 9, 2009

-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. 090001-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 Petition for Approval of Fuel Cost Recovery and Capacity Cost Recovery True-Ups for the Period Ending December 2008, and Florida Power & Light Company's Request for Confidential Classification of Short Term Capacity Payments Information, together with a CD containing the electronic version of same.

I am also enclosing one highlighted and two redacted copies of the document that is the subject of this confidentiality request.

Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and documents of Florida Power & Light Company witness Terry J. Keith.

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

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

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

Sincerely,

Damarcis Rodriguez for

John T. Butler

DOCUMENT NUMBER-DATE

01912 MAR-98

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)

Docket No. 090001-EI
Filed: March 9, 2009

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FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF SHORT TERM CAPACITY PAYMENT INFORMATION

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on short term capacity payments contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness Terry J. Keith (the "Confidential Information"). In support of its Request, FPL states as follows:

1. This Request is intended to request confidential classification of the Confidential Information consistent with Rule 25-22.006.
2. The following exhibits are included with this Request:
 - a. Composite Exhibit A consists of a copy of Schedule A12, in which all of the Confidential Information has been highlighted.
 - b. Composite Exhibit B consists of two copies of Schedule A12 in which all of the Confidential Information has been redacted. A copy of this redacted Schedule A12 is included in the bound copy of the prepared testimony of FPL witness Terry J. Keith.
 - c. Exhibit C is a table containing an identification of the Confidential Information, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

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01912 MAR-98
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d. Exhibit D consists of the affidavit of Mr. Gerard J. Yupp, who is the Senior Director of Wholesale Operations in FPL's Energy Marketing and Trading Division. The affidavit attests to the asserted bases for confidential classification of the Confidential Information.

3. FPL seeks confidential protection for the Confidential Information. That information is confidential because it relates to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms, *see* § 366.093(3)(d), Fla. Stat; and because it relates to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses, *see* § 366.093(3)(e), Fla. Stat.

4. FPL submits that the Confidential Information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law.

5. The Confidential Information 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 Confidential Information is proprietary confidential business information within the meaning of Section 366.093(3), pursuant to Section 366.093(4) such information should not be declassified for 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.

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Information contained in Schedule A12.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
Managing Attorney
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BY: Damaris Rodriguez for
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 090001-EI

I certify that a copy of the foregoing Request for Confidential Classification of Short Term Capacity Payment Information was served by hand delivery (*) or United States mail on this 9th, day of March, 2009, to the following persons:

Lisa Bennett, Esq.*
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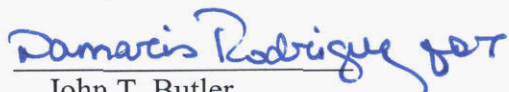
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By: 
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Fla. Bar No. 283479

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NANCY ARGENZIANO
NATHAN A. SKOP



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ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: March 9, 2009

TO: John T. Butler, 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 090001 or, if filed in an undocketed matter, concerning certain information on short term capacity payments contained in Schedule A 12 of Appendix II appended to testimony of Terry J. Keith, 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
01913 MAR-98
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