



Jessica Cano  
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 Juno Beach, FL 33408-0420  
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March 16, 2009

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 COMMISSION  
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**VIA HAND DELIVERY**

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. 090009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its Request for Confidential Classification regarding confidential information included in FPL's response to Staff's First Request for Production of Documents (No. 1). The original includes Exhibit A through D. The seven (7) copies do not include the exhibits.

Exhibit A consists of a compact disc containing the requested information in electronic form, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is a compact disc containing 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 two affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

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

Sincerely,

*Jessica Cano*  
 Jessica A. Cano

COM \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL 1+CD  
 OPC \_\_\_\_\_  
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Enclosures  
 cc: Parties of Record (w/out enc.)

DOCUMENT NUMBER - DATE  
 0227 MAR 16 09  
 FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant )  
Cost Recovery Clause \_\_\_\_\_)

Docket No. 090009-EI  
Filed: March 16, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF RESPONSE  
TO STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 1)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of portions of its response to the Staff of the Florida Public Service Commission's ("Staff's") First Request for Production of Documents (No. 1). In support of its request, FPL states as follows:

1. On March 9, 2009, FPL received Staff's First Request for Production of Documents (No. 1), requesting certain information in electronic form. Certain fields within the electronically stored data contain confidential information. Pursuant to Rule 25-22.006(3)(a) and Rule 25-22.006(4), Florida Administrative Code, FPL is filing this Request for Confidential Classification. Contemporaneously with this request, FPL is also producing the non-confidential portions of its response.

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

a. Exhibit A consists of a compact disc containing the entirety of the response with all information that FPL asserts is entitled to confidential treatment highlighted.

b. Exhibit B consists of a compact disc with the confidential information redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, referring to the specific data fields where the confidential

information is located, together with references to the statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D includes the affidavits of Steven D. Scroggs and Rajiv S. Kundalkar.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and it 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 affidavits included in Exhibit D indicate, the information provided by FPL contains information related to bids or contractual terms, the public disclosure of which would violate nondisclosure terms of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected by Section 366.093(3)(d), 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**, FP L respectfully requests confidential classification of the material described herein.

Respectfully submitted,

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  
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE  
DOCKET NO. 090009-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification, without exhibits, was served by hand delivery\* or U.S. Mail this 16th day of March, 2009 to the following:

Keino Young, Esq.\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.  
Charles Rehwinkel, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

J. Michael Walls, Esq.  
Dianne M. Triplett, Esq.  
Carlton Fields Law Firm  
P.O. Box 3239  
Tampa, Florida 33601-3239

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

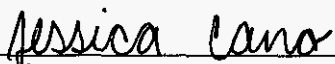
John W. McWhirter, Jr., Esq.  
McWhirter Reeves  
Attorneys for FIPUG  
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James W. Brew, Esq.  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW,  
Eighth Floor, West Tower  
Washington, DC 20007-5201

Mr. Paul Lewis, Jr.  
106 East College Ave., Suite 800  
Tallahassee, FL 32301-7740

By:

  
\_\_\_\_\_  
Jessica A. Cano  
Florida Bar No. 0037372

**Exhibit C**  
**Company: Florida Power and Light Company**  
**Title: List of Confidential Documents for Staff's first set of Production of**  
**Documents, POD 1**  
**Docket No. 090009 EI**

Item	Description	No. of Pages	Conf Y/N	Line No./Col. No.	Florida Statue 366.093 (3) Subsection	Affiant
1	Tab T8: File "True Up 2008 U6&7 Preconstruction March 09 Filing.xls"	2	Y	Pages 1-2, Columns 6 – 9 & 12	(d)	Steven D. Scroggs
2	Tab T8A: File "True Up 2008 U6&7 Preconstruction March 09 Filing.xls"	7	Y	Pages 1 – 7 Lines 8, 12	(d)	Steven D. Scroggs
3	Tab T8: File "True Up PSL PTN Uprate March 09 Filing.xls"	1	Y	Columns 6 – 9 & 12	(d)	Rajiv S. Kundalkar
4	Tab T8A: File "True Up PSL PTN Uprate March 09 Filing.xls"	22	Y	Pages 1 -23, Lines 8, 12	(d)	Rajiv S. Kundalkar

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 090009-EI

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

AFFIDAVIT OF STEVEN D. SCROGGS

BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information provided with Staff's first request for production of documents, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or contractual data. Disclosure of this information would violate FPL's contracts with its vendors, and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they 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.

*Steven D. Scroggs*  
\_\_\_\_\_  
Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 12 day of March 2009, by Steven D. Scroggs, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

*Valerie A. Hasko*  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires: 5/29/2012



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 090009-EI

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

AFFIDAVIT OF RAJIV S. KUNDALKAR

BEFORE ME, the undersigned authority, personally appeared Rajiv S. Kundalkar who, being first duly sworn, deposes and says:

1. My name is Rajiv S. Kundalkar. I am currently employed by Florida Power & Light Company ("FPL") as Vice President, Nuclear Power Uprate. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information provided with Staff's first request for production of documents, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed are proprietary confidential business information, containing information concerning bids or other contractual data related to specific vendors. Disclosure of this information would violate FPL's contract with its vendors, and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they 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.

*Rajiv S. Kundalkar*  
Rajiv S. Kundalkar

SWORN TO AND SUBSCRIBED before me this 12<sup>th</sup> day of March, 2009, by Rajiv S. Kundalkar, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

*[Signature]*  
Notary Public, State of Florida

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA  
Susan Schlosberg  
Commission # DD711057  
Expires: SEP. 04, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.



COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE: March 16, 2009**

**TO: Jessica A. Cano, Esquire/FPL**

**FROM: Marguerite H. McLean, Office of Commission Clerk**

**RE: Acknowledgement of Receipt of Confidential Filing**

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**This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 090009-EI (DN 02238-09) or, if filed in an undocketed matter, concerning response to staff's 1st request for PODs (No. 1), 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 McLean, Deputy Clerk, at (850) 413-6770.**