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March 18, 2009

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

RECEIVED-FPSC  
09 MAR 18 PM 3:58  
COMMISSION  
CLERK

Re: Docket No. 080677-EI: Petition for Increase in Rates by Florida Power & Light Company

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 MFRs D-2 and F-4, submitted with FPL's Petition for Rate Increase in this docket. The original includes Exhibit A through D. The seven (7) copies do not include the exhibits.

Exhibit A consists of the confidential documents, and all information that FPL asserts is entitled to confidential treatment has been highlighted. 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 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 in Microsoft Word format.

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

Sincerely,  
*Jessica Cano*  
Jessica A. Cano

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

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Increase in Rates by            )  
Florida Power & Light Company                    )

Docket No: 080677-EI  
Filed: March 18, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF MFRs D-2 AND F-4**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006, Florida Administrative Code, and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain portions of Minimum Filing Requirements ("MFRs") D-2 and F-4 filed in connection with FPL's Petition for Rate Increase. In support of its request, FPL states as follows:

1. On March 18, 2009, FPL filed its Petition for Rate Increase along with the prefiled direct testimony of its witnesses and the requisite MFRs. Confidential information is contained in portions of MFRs D-2 and F-4.

2. The following exhibits are included herewith and made a part hereof:

a. Exhibit A consists of the documents for which FPL seeks confidential treatment. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of edited versions of the documents for which FPL seeks confidential treatment. All information for which FPL requests confidential treatment has been redacted in Exhibit B.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential treatment is sought and, with

regard to each document or portion 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 includes the affidavits of Paul Cutler and J.A. Stall in support of this request.

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, Florida Statutes, 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 affidavits included in Exhibit D indicate, the confidential information in MFR D-2 consists of information about the capital structure of affiliated and consolidated companies. If publicly disclosed, this information would harm the competitive interests of the provider of the information and would trigger Securities and Exchange Commission reporting obligations. This information is protected by section 366.093(3)(e), Florida Statutes. Additionally, the information in MFR F-4 consists of security measures, systems, or procedures. This information is protected by section 366.093(3)(c), Florida Statutes.

5. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes, such materials 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 above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its request for confidential classification be granted.

Respectfully submitted,

By: Jessica Cano  
Jessica A. Cano  
Attorney  
Fla. Bar No. 0037372  
R. Wade Litchfield  
Vice President of Regulatory Affairs and  
Chief Regulatory Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing (without attachments) has been furnished by hand delivery this 18th day of March, 2009, to the following:

Jennifer Brubaker  
Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-1400  
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By: *Jessica Cano*  
Jessica A. Cano  
Fla. Bar No. 0037372

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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 080677-EI (DN 02322-09) or, if filed in an undocketed matter, concerning portions of MFRs D-2 and F-4 filed in connection with petition for rate increase, 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.**