



Jessica Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
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March 20, 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

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COMMISSION
CLERK

Re: Docket No. 090007-EI; Florida Power & Light's First Request for Extension
of Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification regarding confidential information provided pursuant to No. 07-071-4-1. The original includes a Revised Exhibit B, Revised Exhibit C, and Revised Exhibit D, including affidavits in support of the continued confidential treatment. The seven (7) copies do not include the exhibits. A compact disc with FPL's Request and 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 A. Cano

Enclosures
COM _____
ECR _____
GCL 1+CD
OPC _____
RCP _____
SSC _____
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ADM _____
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DOCUMENT NUMBER-DATE

02451 MAR 20 8

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)

Docket No. 090007-EI
Filed: March 20, 2009

FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 07-071-4-1

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 First Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission (“Commission”) staff (“Staff”) in connection with the Audit No. 07-071-4-1 (the “Audit”). In support of this First 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 August 7, 2007, FPL filed a Request for Confidential Classification of certain materials obtained during the Audit. FPL adopts and incorporates by reference the August 7, 2007 Request, including Exhibits A, B, C and D thereto.

3. By Order No. PSC-07-0770-CFO-EI, dated September 20, 2007, the Commission granted FPL's August 7, 2007 Request.

4. The period of confidential treatment granted by Order No. PSC-07-0770-CFO-EI will soon expire. Some of the information that was the subject of FPL's August 7, 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 First Request for Extension of Confidential Classification.

5. Included herewith and made a part hereof is a Revised Exhibit B, Revised Exhibit C, and Revised Exhibit D. As noted above, FPL has determined that only some of the information which was confidential at the time of the August 7, 2007 request warrants continued confidential treatment. Accordingly, Revised Exhibits B and C are being provided to demonstrate which information is the subject of this First Request for Extension of Confidential Classification. Revised Exhibit D contains the affidavits of Roger Messer 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 Roger Messer and Terry Keith indicate, the information that FPL asserts is proprietary and confidential business information concerns contractual data, such as pricing and other terms, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms in the future, and information related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Such information is protected from disclosure by sections 366.093(3)(d) and (e).

8. Additionally, certain information is related to customer billing information, including banking 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.

9. 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. *See* § 366.093(4), Fla. Stat.

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 First 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, without attachments, has been furnished by overnight delivery* or U.S. mail on March 20, 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
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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: Confidential Audit Workpapers
AUDIT: FPL, Environmental Cost Recovery Clause Audit
From Jan. 1 – Dec. 31, 2006
AUDIT CONTROL NO. 07-071-4-1
REVISED: March 20, 2009

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
16-1/14-1/1	Payroll Sample	1	N			
16-1/14-3 p2	Plant Sample	1	Y	Col F	(d), (e)	R. Messer
41-2/3	Billing Info	1	N			
41-2/3-1	Billing Info	3	Y	Col 1	(e)	T. Keith
41-2/3-2	Billing Info	3	Y	Col 1	(e)	T. Keith
43-1	Summary of Tape	4	N			
43-3	Sample of Expenses	19	Y Y Y Y Y Y Y Y Y Y Y Y Y Y N	P. 1, Nos. 2-5, Col C P. 2, Nos. 6, 8, 10-12, Col C, No. 7, Cols C and D PP. 3-5, Col C P. 6, Nos. 32-34, Col C P. 7, Col C P. 8, Nos. 39-41, Col C P. 9, Nos. 43-44 and 46-47, Col C P. 10, Nos. 49-50, Col C PP. 11 – 15, Col C P. 16, Nos. 73-75, Col C P. 17, Nos. 76-77, Col C P. 18, No. 81, Col C P. 19	(d), (e)	R. Messer
43-4	Sample of Journal Entries	19	N Y N Y	PP. 1-13 P. 14, Nos. 4,7,8,11 Col G PP. 15-16 P. 17, Nos. 23, 24, 27, 30,	(d), (e)	R. Messer

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
			N	Col G PP. 18-19		
43-4/1	Sample of Journal Entries	4	N Y Y Y	P. 1 P. 2, Nos. 48-49, Col C P. 3, Nos. 94, 96, 99-100, 102, 104-105, Col C P. 4, Nos. 119, 120, 133-135, 148, Col C	(d), (e)	R. Messer

Exhibit D

AFFIDAVITS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)
STATE OF FLORIDA)
MIAMI-DADE COUNTY)

Docket No. 090007-EI

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 First Request for Extension of Confidential Classification of certain information obtained in connection with Audit No. 07-071-4-1. 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-07-0770-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.

Terry J. Keith
Terry J. Keith

SWORN TO AND SUBSCRIBED before me this 10th day of March, 2009, by Terry J. Keith, who is personally known to me or who has produced FI. ID (type of identification) as identification and who did take an oath.

Monica Lynn Padron
Notary Public, State of Florida

My Commission Expires: 12/18/10



EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental)
Cost Recovery Clause)

Docket No. 090007-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF ROGER F. MESSER

BEFORE ME, the undersigned authority, personally appeared Roger F. Messer who, being first duly sworn, deposes and says:

1. My name is Roger F. Messer. I am currently employed by Florida Power & Light Company ("FPL") as Director, Environmental Support. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information included in Exhibit A to FPL's First Request for Extension of Confidential Classification of certain information obtained in connection with Audit No. 07-071-4-1. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers and would also impair the competitive interests of FPL and its vendors. 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-07-0770-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.

Roger F. Messer

Roger F. Messer

SWORN TO AND SUBSCRIBED before me this 17 day of March, 2009, by Roger F. Messer, 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:

