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Jessica Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5226  
(561) 691-7135 (Facsimile)

April 30, 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

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 responses to Staff's Second Request for Production of Documents (Nos. 2 and 3). The original includes Exhibit A through D. The seven (7) copies do not include the exhibits.

Exhibit A consists of a copy of the confidential information on which all confidential information has been highlighted. Exhibit B consists of two copies of the documents with confidential information redacted. Exhibit C consists of FPL's justification table and Exhibit D contains two affidavits in support of FPL's request. 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 ECR
- OPC \_\_\_\_\_
- BCP \_\_\_\_\_
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK 1

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

DOCUMENT NUMBER-DATE

04051 APR 30 8

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 090009-EI  
Filed: April 30, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF RESPONSES TO  
STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 2 AND 3)**

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 responses to the Staff of the Florida Public Service Commission's ("Staff's") Second Request for Production of Documents, Nos. 2 and 3. In support of this request, FPL states as follows:

1. Staff has requested copies of FPL's responses to Staff's Second Request for Production of Documents Nos. 2 and 3. These documents contain confidential, proprietary business information.
2. The following exhibits are included with and made a part of this request:
  - a. Exhibit A consists a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been highlighted
  - b. Exhibit B consists of two copies of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted.
  - c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific 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.

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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. 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.

4. As the affidavits included in Exhibit D indicate, the information provided by FPL contains information related to bids or contractual data, 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. Additionally, this information is competitively sensitive, and its disclosure would impair the competitive interests of FPL or its vendors. Such information is protected by section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, it 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**, FPL respectfully requests confidential classification of its responses to Staff's Second Request for Production of Documents, Nos. 2 and 3.

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 30th day of April, 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  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602

Michael B. Twomey, Esq.  
Attorney for AARP  
Post Office Box 5256  
Tallahassee, Florida 32314-5256

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 Cano*  
Jessica A. Cano  
Florida Bar No. 0037372

STATE OF FLORIDA

COMMISSIONERS:  
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NANCY ARGENZIANO  
NATHAN A. SKOP



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: April 30, 2009

TO: Jessica Cano, 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 090009 or, if filed in an undocketed matter, concerning response to staff's 2<sup>nd</sup> request for PODs, No.s 2 and 3, 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  
04052 APR 30 08  
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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)