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May 8, 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-PPSC  
09 MAY - 8 PM 1:10  
COMMISSION  
CLERK

Re: Docket No. 090001-EI; Florida Power & Light's Third 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 Third Request for Extension of Confidential Classification regarding confidential information provided pursuant to Audit No. 02-044-4-1. The original includes a Revised Exhibit C, reducing the amount of information for which confidential classification is sought, and Revised Exhibit D, containing two affidavits in support of FPL's request. 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 A. Cano

- CCM \_\_\_\_\_
- ECM \_\_\_\_\_ Enclosures
- GCL 1+CD cc: service list
- OPC \_\_\_\_\_
- RCP \_\_\_\_\_
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK I \_\_\_\_\_

an FPL Group company

DOCUMENT NUMBER-DATE

04446 MAY-8 8

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: May 8, 2009

**THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 02-044-4-1**

**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 Third Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with Audit No. 02-044-4-1 (the “Audit”). In support of this Third Request for Extension of Confidential Classification, FPL states as follows:

1. On April 28, 2006, FPL filed its Second Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A, B and C, and included a revised Exhibit D. FPL adopts and incorporates by reference its April 28, 2006 Request and exhibits.

2. By Order No. PSC-07-0908-CFO-EI dated November 9, 2007, the Commission granted FPL’s January 5, 2007 Request.

3. The period of confidential treatment granted by Order No. PSC-07-0908-CFO-EI will soon expire. Some of the information that was the subject of FPL’s April 28, 2006 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 Third Request for Extension of Confidential Classification.

4. Included herewith and made a part hereof is a Revised Exhibit C to reduce the number of pages and amount of material for which confidential treatment is sought. Also included is a Revised Exhibit D which contains the affidavits of Osvaldo J. Lom and Gerard J. Yupp.

5. 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 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.

6. As the affidavits provided herewith indicate, the information that FPL asserts is proprietary and confidential business information includes contractual data such as pricing or other terms and information related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Competitively sensitive information is protected from public disclosure by section 366.093(3)(e), Florida Statutes. Additionally, some of the information reflects bank routing numbers and bank account numbers provided by entities with whom FPL transacts. This information was provided to FPL in a non-public manner with an expectation that it would not be disclosed. It is FPL's policy not to disclose such information, except as required by law, to entities or persons absent the provider's consent.

7. Nothing has changed since the issuance of Order No. PSC-07-0908-CFO-EI to render the information identified in Revised Exhibit C stale or public, such that continued confidential treatment would not be appropriate. Therefore, FPL requests that this information

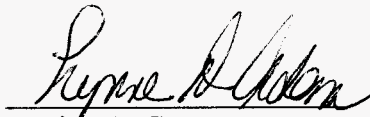
be accorded continued confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**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 Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler  
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By:

  
Jessica A. Cano  
Florida Bar No. 0037372

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 090001-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Third Request for Extension of Confidential Classification (without exhibits) was served via hand delivery\* and/or by U.S. mail this 8th day of May, 2009 to the following:

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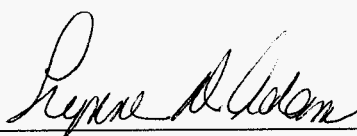
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