

John T. Butler  
Managing Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304- 5639  
(561) 691-7135 (Facsimile)

May 13, 2009

**-VIA OVERNIGHT DELIVERY -**

Ms. Ann Cole, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
09 MAY 14 PM 3:18  
COMMISSION  
CLERK

**Re: Docket No. 090007-EI**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's Third Set of Interrogatories, together with a CD containing the electronic version of same.

Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential documents that are the subject of the confidentiality request.

Please note that Exhibit D, affidavit of William F. Brannen is a copy, the original will be provided under separate cover.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,



John T. Butler

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OPC \_\_\_\_\_  
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Enclosure

cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

04676 MAY 14 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost )  
Recovery Clause )

DOCKET NO. 090007-EI  
Filed: May 14, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
IN RESPONSE TO STAFF'S THIRD SET OF INTERROGATORIES**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in response to Staff's Third Set of Interrogatories Nos. 39 through 41, 43 and 45 ("Confidential Discovery Responses") which were served by Staff on April 14, 2009. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Third Set of Interrogatories on May 13, 2009, for overnight delivery to Staff on May 14, 2009. This request is being filed contemporaneously with the delivery of the responses to Staff, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.
2. The following exhibits are included with and made a part of this request:
  - a. Exhibit A consists of a copy of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment has been highlighted.
  - b. Exhibit B consists of an edited version of Exhibit A 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.

DOCUMENT NUMBER-DATE

04676 MAY 14 8

FPSC-COMMISSION CLERK

d. Exhibit D is the affidavit of William F. Brannen, Senior Director of Construction in the Project Engineering and Due Diligence Business Unit.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3)(d) because it contains information concerning bids or other contractual data, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. Additionally the information provided relates to competitive interests, the disclosure of which would impair the competitive business of FPL's counter-party. Such information is protected by Section 366.093(3)(e).

4 FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). 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.

5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

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).

**WHEREFORE**, FPL respectfully requests confidential classification of the Confidential Discovery Responses as described herein.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and Chief Regulatory Counsel  
John T. Butler, Esq.  
Managing Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5639  
Facsimile: (561) 691-7135

By: *Damais Rodriguez for*  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 090007-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Information Responsive to Staff's Third Set of Interrogatories (\*) has been furnished by overnight delivery (\*\*) or U.S. Mail on the 13<sup>th</sup> day of May , 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  
Charles J. Rehwinkel, Esq.  
Charles Beck, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 W Madison St. Room 812  
Tallahassee, FL 32399-1400

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St. Petersburg, Florida 33733-4042

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118 N. Gadsden St.  
Tallahassee, FL 32301

Captain Shayla L. McNeill  
FEA Staff Attorney  
139 Barnes Drive  
Tyndall AFB, FL 32403-5317

By:   
John T. Butler

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

STATE OF FLORIDA

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



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: May 14, 2009

TO: John Butler, Florida Power & Light

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 090007 or, if filed in an undocketed matter, concerning response to staff's 3<sup>rd</sup> set of Interrogatories, Nos. 39-41, 43, and 45, 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  
04677 MAY 14 08  
FPSC-COMMISSION CLERK

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