



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

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COMMISSION
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Kenneth M. Rubin
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May 27, 2009

-VIA HAND DELIVERY -

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

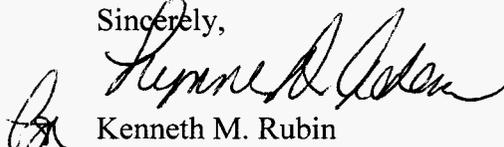
Re: Florida Power & Light Company's Request for Confidential Classification re: Thomas R. Koch Rebuttal Testimony Exhibit TRK-10 in Docket Nos. 070231-EI & 080244-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original, executed affidavit of Thomas R. Koch, which is Exhibit D to Florida Power & Light Company's Request for Confidential Classification of certain information contained in Exhibit TRK-10 to the pre-filed rebuttal testimony of Thomas R. Koch served May 15, 2009. The original Request was filed May 26, 2009.

If there are any questions regarding this transmittal, please contact me at 561-691-2512.

Sincerely,


Kenneth M. Rubin

Enclosure

EXHIBIT D

DOCUMENT NUMBER-DATE

05261 MAY 27 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of Underground Conversion Tariff Revisions.) Docket No. 080244-EI

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.) Docket No. 070231-EI

STATE OF FLORIDA) AFFIDAVIT OF THOMAS R. KOCH
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Thomas R. Koch, who, being first duly sworn, deposes and says:

1. My name is Thomas R. Koch. I am currently employed by Florida Power & Light Company ("FPL") as Manager, DSM Cost, Performance & Strategy. I previously held the position of Manager, Underground Department, for FPL. I have personal knowledge of the matters stated in this affidavit.

2. I compiled and prepared Exhibit TRK-10 to my prefiled rebuttal testimony filed in this Docket on May 15, 2009 ("Exhibit TRK-10"), a copy of which is attached hereto and marked as Exhibit A to FPL's Request for Confidential Classification. This document contains information on FPL's historical damage claims and litigation costs associated with underground and overhead facilities. FPL considers this information to be proprietary confidential business information because its disclosure would provide litigation adversaries and potential adversaries with inappropriate insight into the nature of FPL's damages and litigation experience and the relative relationship of damage claims and litigation costs for underground and overhead facilities. Such access would impair FPL's competitive business to the disadvantage of both FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of the information contained in Exhibit TRK-10..

3. Consistent with the provisions of the Florida Administrative Code, Exhibit TRK-10 should remain confidential for a period of not less than 18 months. In addition, it should be returned to FPL as soon as the information contained therein is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of Exhibit TRK-10.

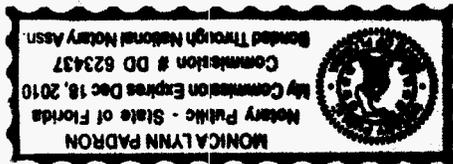
4. Affiant says nothing further.

[Handwritten signature of Thomas R. Koch]
Thomas R. Koch

SWORN TO AND SUBSCRIBED before me this 26 day of May 2009, by Thomas R. Koch, who is personally known to me or who has produced F.I.D. (type of identification) as identification and who did take an oath.

[Handwritten signature of Monica Lynn Padron]
Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER-DATE
05261 MAY 27 8
FPSC-COMMISSION CLERK