



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

June 19, 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-FPSC
 09 JUN 19 PM 2:35
 COMMISSION
 CLERK

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 materials provided to Staff pursuant to Audit Control No. 08-248-4-1. The original includes Exhibit A through D. The seven (7) copies do not include the exhibits.

Exhibit A consists of the confidential documents, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification for its Request for Confidential Classification. Exhibit D contains two affidavits in support of FPL's Request for Confidential Classification. 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,

J. A. Cano
 for Jessica A. Cano

COM _____
 ECR _____
 GCL /
 OPC _____
 RCP /
 SSC _____
 SGA _____
 ADM _____
 CLK /

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

DOCUMENT NUMBER-DATE

06127 JUN 19 09

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 090009-EI
Filed: June 19, 2009

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 08-248-4-1**

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 material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 08-248-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. During the Audit, Staff was provided with various confidential documents. By letter dated June 1, 2009, Staff provided its Audit Report and indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of the letter to file a formal request for confidential classification with respect to the work papers. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of confidential work papers.

2. The following exhibits are included with and made a part of this request:

a. Exhibit A includes a copy the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been highlighted.

b. Exhibit B consists of one page per confidential document indicating that the confidential information has been redacted. Because the entirety of each document is confidential, no purpose would be served by providing copies of each page of each document in redacted form.

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c. Exhibit C is a table containing the specific line and page references to the confidential materials for which confidential treatment is sought, and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D includes the affidavits of Steven Scroggs and Tony Maceo.

4. 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.

5. As the affidavits included in Exhibit D indicate, certain information provided by FPL contains information related to internal auditing controls or reports of internal auditors. This information is protected from public disclosure pursuant to Section 366.093(3)(b), Florida Statutes. Other materials contain information related to bids or contractual data, such as pricing or other terms, 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. This information is also competitively sensitive, and could impair the competitive interests of the provider of the information. Such information is protected by Sections 366.093(3)(d) and 366.093(3)(e), Florida Statutes.

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), Fla. Stat.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

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 A. Cano
Jessica A. Cano
Fla. Bar No. 0037372

JSA

**CERTIFICATE OF SERVICE
DOCKET NO. 090009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing, without attachments, was served by hand delivery* or U.S. mail this 19th day of June, 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.
Joseph McGlothlin, 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.
Davidson, McWhirter PA
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33601

Mr. Paul Lewis, Jr.
106 East College Ave., Suite 800
Tallahassee, FL 32301-7740

Jon C. Moyle and Vicki Kaufman
Keefe Anchors Gordon & Moyle PA
Attorneys for FIPUG
118 N. Gadsden St.
Tallahassee, FL 32301

E. Leon Jacobs, Jr.
Williams & Jacobs, LLC
Counsel for SACE
1720 S. Gadsden St. MS 14
Suite 201
Tallahassee, Florida 32301

James W. Brew, Esq.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201

By: Jessica A. Cano
Jessica A. Cano b, ISA
Fla. Bar No. 0037372

STATE OF FLORIDA

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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: June 19, 2009

TO: Jessica A. 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 materials provided to staff per Audit Control No. 08-248-4-1, 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.

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us