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July 2, 2009

VIA HAND DELIVERY

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

**Re: Florida Power & Light's Request for Confidential Classification
Docket 090172-EI**

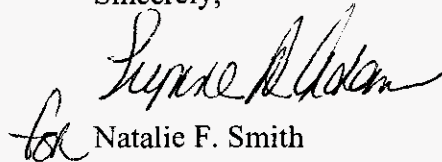
Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company (FPL) are an original and seven (7) copies of FPL's Request for Confidential Classification of certain information provided in Exhibit TCS-8 to the rebuttal testimony of FPL witness Timothy C. Sexton. The original includes Exhibits A, B, and C.

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

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,


Natalie F. Smith

COM _____
ECR 5
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RCP _____ NFS:nn
SSC _____ Enclosures
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition to Determine Need for FPL
Florida EnergySecure Pipeline

DOCKET NO. 090172-EI

FILED: July 2, 2009

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Power & Light Company (FPL), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification of certain information provided in Exhibit TCS-8 to the rebuttal testimony of FPL witness Timothy C. Sexton in this proceeding. In support of this Request, FPL states:

1. Contemporaneously with this Request, FPL is filing witness rebuttal testimony, including Mr. Sexton's rebuttal testimony. As explained below, certain information in Exhibit TCS-8 to Mr. Sexton's rebuttal testimony is "proprietary business information" under Section 366.093, Florida Statutes.

2. The following exhibits are included with this request:

- a. Exhibit A is a table which identifies the information for which FPL seeks confidential classification and the specific basis for seeking confidential treatment;
- b. Exhibit B is a package containing two copies of a redacted version of the document for which FPL requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means; and
- c. Exhibit C is a package containing an unredacted copy of the document for which FPL seeks confidential treatment. Exhibit C is being submitted separately in a sealed

DOCUMENT NUMBER-DATE

06736 JUL-28

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envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow.

3. Exhibit TCS-8 to Mr. Sexton's rebuttal testimony for which FPL seeks confidential classification includes information submitted on a confidential basis by respondents to FPL's solicitation for natural gas transportation, including information related to proposed transportation rates and other terms. This information, identified on Exhibit "A", qualifies for confidential classification under Section 366.093(3), Florida Statutes. The purpose of FPL's solicitation was to obtain potentially favorable contract terms for natural gas transportation alternatives. Without assurances that their identities and the terms of their proposals would not be publicly disclosed, potential respondents would run the risk that sensitive business information in their proposals would be made available to the public, including potential competitors. As a result, potential respondents might withhold sensitive information necessary for FPL to understand and evaluate the costs and benefits of their proposals. Without these assurances of non-disclosure, potential respondents might choose not to participate in the solicitation. Furthermore, disclosure of sensitive information provided in response to FPL's solicitation would impair the competitive interests of the provider of the information. Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes. *See* Order No. PSC-05-1141-CFO-EI issued in Docket No. 031033-EI on November 15, 2005 (granting confidential classification of the identities of bidders who responded to request for proposals for waterborne transportation services).

4. FPL request confidential classification for similar information in Exhibit TCS-7 to Mr. Sexton's pre-filed testimony in this docket on April 7, 2009. The Commission found that the information in Exhibit TCS-7 satisfies the criteria in Section 366.093(3), Florida Statutes, for

classification as proprietary confidential business information as it includes “information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms and impair the competitive interests of the providers of the information.” Order No. PSC-09-0338-CFO-EI issued May 18, 2009.

5. The information for which FPL seeks confidential treatment is intended to be and is treated as confidential by FPL. The information has not been disclosed to the public.

6. FPL requests that the information identified above be classified as “proprietary confidential business information” within the meaning of section 366.093(3), Florida Statutes; that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), Florida Statutes; and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted this 2nd day of July, 2009.

R. Wade Litchfield, Vice President and
Associate General Counsel
John T. Butler, Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5253
Facsimile: (561) 691-7135

and

HOPPING GREEN & SAMS, P.A.

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Attorneys for Florida Power & Light Company

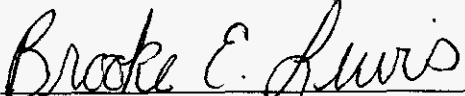
CERTIFICATE OF SERVICE

Docket No. 090172-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States mail this 2nd day of July, 2009, to the following:

Martha Carter Brown
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
MBrown@PSC.STATE.FL.US

Floyd R. Self
Messer Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308
fself@lawfla.



Attorney

EXHIBIT A

EXHIBIT A
JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
Exhibit TCS-8	2	5, 7, 8, 10, 12	All	§ 366.093(3)(d) & (e), Fla. Stat.
	3	5, 7, 8, 10, 12	All	
	4	5, 7, 8, 10, 12	All	
	13	A-F	1-7	
	14	A-F	1-5, 7	
	15-18	A-F	1-7	
	19	A-D	1-7	
	20	8,9,13,15, 16, 17, 18	All	

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

STATE OF FLORIDA



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: July 2, 2009

TO: Brooke E. Lewis, Hopping Green & Sams, P.A.

FROM: Kimberley M. Peña, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 090172-EI or, if filed in an undocketed matter, concerning certain information provided in Exh TCS-8 to rebuttal testimony of Timothy C. Sexton., 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 NO. DATE

06738-09 07/02/2009
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