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July 8, 2009

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**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

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. 08-248-4-2. The original includes Exhibit A through D. The seven (7) copies include Exhibit C.

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 consists of the affidavit of R. Kundalkar 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,

Jessica A. Cano / BSA  
 Jessica A. Cano

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL  + CD
- OPC \_\_\_\_\_
- RCP \_\_\_\_\_ Enclosures
- SSC \_\_\_\_\_ cc: Parties of Record (w/out exhibits)
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant                    )  
Cost Recovery Clause                        )

Docket No. 090009-EI  
Filed: July 8, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 08-248-4-2**

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. 08-248-4-2 ("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 18, 2009, Staff 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 redacted versions of the confidential documents. If the entirety of a document is confidential, a page has been included indicating that the document is confidential, as no purpose would be served by providing copies of each

page in redacted form. If only a portion of a document is confidential, a copy of the document is included with only the confidential portion(s) redacted.

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 affidavit of Rajiv S. Kundalkar.

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 affidavit included in Exhibit D indicates, 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. Certain 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. Other information is confidential employee personnel information unrelated compensation, duties, qualifications, or responsibilities, such as social security numbers. Such information is protected by Section 366.093(3)(f), 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,

Bryan S. Anderson, Managing Attorney  
Fla. Auth. House Counsel No. 219511  
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Florida Power & Light Company  
700 Universe Boulevard  
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Telephone: (561) 304-5226  
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By: Jessica A. Cano / BSA  
Jessica A. Cano  
Fla. Bar No. 0037372

**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 8th day of July, 2009, to the following:

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By: Jessica A. Cano / BSA  
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STATE OF FLORIDA

COMMISSIONERS:  
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NATHAN A. SKOP



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: July 8, 2009

TO: Jessica Cano, 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 090009 or, if filed in an undocketed matter, concerning materials provided to staff per Audit Control No. 08-0248-4-2, 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  
06859 JUL -8 09  
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