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 COMMISSION
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July 13, 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

Re: Docket No. 070650-EI
 Florida Power & Light Company's Petition to Determine Need for Turkey Point
 Nuclear Units 6 and 7 Electrical Power Plant


Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification of Exhibit SDS-3, in Docket No. 070650-EI.

Included herewith is Revised Exhibit D, which contains an affidavit in support of FPL's request. Also included is a compact disc containing FPL's Request for Confidential Classification (without the exhibit) in word processing format.

Please contact me if you or your Staff have any questions regarding this filing.

COM _____
 ECR 3
 GCL 1 + CD
 OPC _____
 RCP _____
 SSC _____
 SGA 1
 ADM _____
 CLK 2

Sincerely,

 Ilan G. Kaufer
 Attorney for
 Florida Power & Light Company

Enclosures
 cc: parties of record, w/out exhibit

DOCUMENT NUMBER-DATE
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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 Turkey)
Point Nuclear Units 6 and 7)
Electrical Power Plant)

Docket No. 070650-EI

Filed: July 13, 2009

**FLORIDA POWER & LIGHT'S FIRST REQUEST FOR EXTENSION OF
CONFIDENTIAL CLASSIFICATION OF EXHIBIT SDS-3**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006(3), Florida Administrative Code, and Section 366.093 of the Florida Statutes, submits its First Request for Extension of Confidential Classification of Exhibit SDS-3, which was filed in connection with FPL's Petition to Determine Need for Turkey Point Nuclear Units 6 and 7 Electrical Power Plant (the "Turkey Point 6 & 7 Petition"). In support of its request, FPL states as follows:

1. On October 16, 2007, FPL requested confidential classification of Exhibit SDS-3 in Docket No. 070650-EI. That request was granted by Order No. PSC-08-0037-CFO-EI, issued on January 14, 2008. The period of confidential treatment granted by that order will soon expire. Accordingly, FPL is filing this request for an extension of confidential classification.

2. FPL incorporates its October 16, 2007 Request, and the exhibits attached thereto, herein by reference. Additionally, included with this request is a Revised Exhibit D, containing the affidavit of Steven D. Scroggs in support of the continued confidential classification of the Confidential Information.

3. All of the information that was the subject of FPL's October 16, 2007 Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. This material is intended to be and is treated by

FPL as confidential and has not been disclosed. Pursuant to Section 366.093, such information is entitled to confidential treatment and 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


4. As indicated in the affidavit included as Revised Exhibit D, the information that FPL asserts is proprietary and confidential business information relates to a side-by-side comparison of vendor information pertaining to various technical features, as well as cost and performance data, for the alternative designs FPL is considering for the new nuclear units which are the subject of the Turkey Point 6 & 7 Need Petition. The vendors agreed to provide this information to FPL only pursuant to non-disclosure agreements that require FPL to protect all of the vendor information from public disclosure. The disclosure of this information would impair the competitive interests of FPL and its vendors, as well as FPL's ability to contract on favorable terms. The disclosure of this information would also substantially impair FPL's prospective ability to solicit bids, to the detriment of FPL and its customers. Such information is protected from public disclosure pursuant to Sections 366.093(3)(d) and 366.093(3)(e), Florida Statutes.

5. Nothing has changed since the issuance of Order No. PSC-08-0037-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Accordingly, FPL requests that this information be accorded confidential classification for an additional eighteen month period. FPL further requests that the information 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 affidavit included with this request, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler
Managing Attorney
Ilan G. Kaufer
Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Tele: (561) 304-5675
Fax: (561) 691-7135

By: 
Ilan G. Kaufer
Fla. Bar No. 65394

CERTIFICATE OF SERVICE
Docket No. 070650-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery* or U.S. Mail on the 13th day of July, 2009, to the following:

Katherine E. Fleming*
Senior Attorney
Florida Public Service Commission
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Tallahassee, Florida 32399-0850

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Bob Krasowski
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Naples, FL 34103-3857
On Behalf of Jan M. Krasowski and Bob
Krasowski


Roy C. Young
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James A. Dickenson
P.G. Para
JEA
21 West Church Street
Jacksonville, FL 32202

By: 

Ilan G. Kaufer
Fla. Bar. No. 65394

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's)
Petition to Determine Need for Turkey Point)
Nuclear Units 6 & 7 Electrical Power Plant)

DOCKET NO. 070650-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF STEVEN D. SCROGGS

BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the information included in Exhibit A to FPL's Request for Confidential Classification (Exhibit SDS-3), filed October 16, 2007. The information in Exhibit A, which is asserted by FPL to be proprietary confidential business information consists of a side by side comparison of vendor information pertaining to various technical features, as well as cost and performance data, for the alternative designs FPL is considering for the new nuclear units which are the subject of the Turkey Point 6 & 7 Need Petition. The vendors agreed to provide this information to FPL only pursuant to non-disclosure agreements that require FPL to protect all of the vendor information from public disclosure. Disclosure of this information would impair the competitive interests of the vendors. Disclosure of this information also would substantially impair FPL's prospective ability to contract on favorable terms, to the detriment of FPL and its customers. Furthermore, the disclosure of this information would substantially impair FPL's prospective ability to solicit bids, to the detriment of FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of this vendor information.

3. No significant charges have occurred since the issuance of Order No. 08-0037-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen (18) months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents

4. Affiant says nothing further.

Steven D. Scroggs
Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 8 day of July 2009, by Steven D. Scroggs, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Valerie A. Hasko
Notary Public, State of Florida

My Commission Expires: 5/29/2012

