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August 4, 2009

-VIA HAND DELIVERY -

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

RECEIVED-FPSC
09 AUG -4 PM 4:05
COMMISSION
CLERK

Re: Docket No. 080677-EI

Dear Ms. Cole:

Enclosed please find an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification of information contained in Staff's First Request for Production of Documents, No. 3. The original includes Exhibits A, B, C, and D. The seven copies include Exhibits B, C, and D.

Exhibit A consists of a compact disc which includes a copy of the confidential material. Exhibit B consists of a written identification of the specific data fields for which confidential classification is requested. Exhibit C consists of a field-by-field justification for the confidential classification. Exhibit D includes a copy of the affidavit of Dr. Rosemary Morley, in support of this request.

If there are any questions regarding this transmittal, please contact me at 561-304-5633.

Sincerely,

Scott A. Goorland

COM _____
SCR 5
GCL 1 + CD
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK 1

Enclosures

cc: Counsel for parties of record (w/o encl.)

DOCUMENT NUMBER-DATE

08003 AUG -4 8

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by)
Florida Power & Light Company)

Docket No. 080677-EI

In re: 2009 depreciation and dismantlement)
study by Florida Power & Light Company)

Docket No. 090130-EI
FILED: August 4, 2009

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

Pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL"), hereby requests confidential classification of FPL's Responses to the Staff of the Public Service Commission's ("Staff's") First Request for Production of Documents, No. 3, in Docket No. 080677-EI, and in support states:

1. On May 22, 2009, Staff served its First Request for Production of Documents (Nos. 1-3) on FPL in this docket. Staff has requested copies of FPL's Responses to Staff's First Request for Production of Documents, No. 3, which contains information of a confidential nature. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification.

2. Pursuant to Rule 25-22.006(4)(b), the following exhibits are included with, and made a part of, this request:

a. Exhibit A consists of a compact disc which includes a copy of the confidential material.

b. Exhibit B consists of a written identification of the specific data fields for which confidential classification is requested.

c. Exhibit C consists of a field-by-field justification for the confidential classification.

DOCUMENT NUMBER-DATE

08003 AUG-4 8

FPSC-COMMISSION CLERK

d. Exhibit D includes a copy of the affidavit of Dr. Rosemary Morley, in support of this request.

4. FPL submits that the 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 is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

5. As the affidavit included in Exhibit D indicates, the information provided by FPL contains information concerning contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. *Section 366.093(3)(d), F.S.* Additionally, the information provided by FPL contains information related to competitive interests, the public disclosure of which would impair the competitive business of FPL. *Section 366.093(3)(e), F.S.* The response contains Global Insight Price Indices provided to FPL by Global Insight pursuant to a contractual agreement to maintain the confidentiality of the material.

6. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D 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 S.366.093(4), F.S.*

WHEREFORE, FPL respectfully requests confidential classification of the material described herein.

Respectfully submitted this 4th day of August, 2009.

R. Wade Litchfield, Vice President of
Regulatory Affairs and Chief Regulatory Counsel
John T. Butler, Managing Attorney
Scott A. Goorland, Principal Attorney
Attorneys for Florida Power & Light Company
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Telephone: (561) 691-7101
Facsimile: (561) 691-7135

By: 

Scott A. Goorland
Florida Bar No. 0066834

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States Mail this 4th day of August, 2009, to the following:

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Anna Williams, Esquire
Martha Brown, Esquire
Jean Hartman, Esquire
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By: 

Scott A. Goorland
Florida Bar No. 0066834

EXHIBIT B

WRITTEN IDENTIFICATION

AUGUST 2009

EXHIBIT B

COMPANY:
TITLE:
DOCKET NO.

Florida Power & Light Company
Staff's First Request for Production of Documents
080677-EI
090130-EI

Written identification of the specific data fields for which confidential classification is requested

BATES PAGE NO.	DESCRIPTION	CONF. Y/N	SPECIFIC DATA FIELDS	FLORIDA STATUTE 366.093.(3) Subsection	AFFIANT
144785	Global Insight Price Indices	Y	All	(d) (e)	Dr. Rosemary Morley
144786	GDP Deflator, Consumer and Producer Price Index	Y	All	(d) (e)	Dr. Rosemary Morley

EXHIBIT C

JUSTIFICATION

AUGUST 2009

EXHIBIT C

FIELD-BY-FIELD JUSTIFICATION: ALL FIELDS

As the affidavit included in Exhibit D indicates, the information provided by FPL contains information concerning contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. *Section 366.093(3)(e), F.S.* Additionally, the information provided by FPL contains information related to competitive interests, the public disclosure of which would impair the competitive business of FPL. *Section 366.093(3)(e), F.S.* The response contains Global Insight Price Indices provided to FPL by Global Insight pursuant to a contractual agreement to maintain the confidentiality of the material.

EXHIBIT D

AFFIDAVIT

AUGUST 2009

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Power & Light Company.)

Docket No: 080677-EI

In re: 2009 depreciation and dismantlement)
study by Florida Power & Light Company)

Docket No. 090130-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF DR. ROSEMARY MORLEY

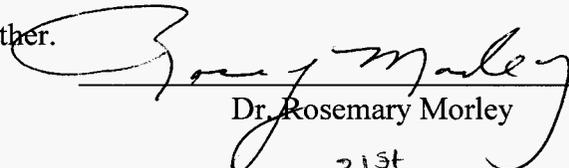
BEFORE ME, the undersigned authority, personally appeared Dr. Rosemary Morley who, being first duly sworn, deposes and says:

1. My name is Dr. Rosemary Morley. I am currently employed by Florida Power & Light Company ("FPL") as the Director of Load Forecasting and Analysis. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibits B and C and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with the Staff of the Florida Public Service Commissions First request for Production of Documents, No. 3 in Docket No. 080677-EI. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contains information concerning contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. Additionally, the information provided by FPL contains information related to competitive interests, the public disclosure of which would impair the competitive business of FPL. The response contains Global Insight Price Indices provided to FPL by Global Insight pursuant to a contractual agreement to maintain the confidentiality of the material. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they 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.

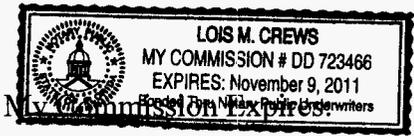


Dr. Rosemary Morley

SWORN TO AND SUBSCRIBED before me this 31st day of July 2009, by Dr. Rosemary Morley, who is personally known to me or who has produced Drivers License (type of identification) as identification and who did take an oath.



Notary Public, State of Florida



STATE OF FLORIDA

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



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: August 4, 2009

TO: Scott A. Goorland, 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 080677 or, if filed in an undocketed matter, concerning responses to staff's 1st Request for PODs, No. 3, provided on CD, 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
08004 AUG -4 09
FPSC - COMMISSION CLERK

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