



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

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

August 6, 2009

VIA HAND DELIVERY

RECEIVED-FPSC
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COMMISSION
CLERK

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. 080677-EI and Docket No. 090130-EI

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 concerning information contained in the testimony and exhibits of Mr. Kollen filed by the South Florida Healthcare and Hospital Association. A Notice of Intent to Request Confidential Classification was filed on July 16, 2009, for both Mr. Kollen's and Mr. Baudino's testimony and exhibits. The testimony and exhibits of Mr. Baudino no longer require confidential treatment.

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 table for its Request for Confidential Classification. Exhibit D contains 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,

Jessica A. Cano

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

COM _____
CCR 5
OCL 1
OPC _____
BOP _____
SSC _____
SSA _____
ADM _____
CLK 1

DOCUMENT NUMBER-DATE

08153 AUG -6 09

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 6, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED IN THE TESTIMONY AND EXHIBITS OF LANE KOLLEN**

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 information contained in the testimony and exhibits of South Florida Hospital and Healthcare Association (“SFHHA”) witness Lane Kollen (“Kollen Testimony”) filed in this docket. In support of its Request, FPL states as follows:

1. On July 16, 2009, SFHHA filed the Kollen Testimony. Also on July 16, 2009, FPL filed its Notice of Intent (“NOI”) to request confidential classification of certain portions of the Kollen Testimony. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was had 21 days from the date of that filing to file a formal request for confidential classification with respect to the Kollen Testimony. This Request is intended to request confidential classification of certain portions of the Kollen Testimony consistent with Rule 25-22.006(3)(a), Florida Administrative Code.

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

a. Composite Exhibit A consists of copies of the Kollen Testimony, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavits of Alissa E. Ballot and Kim Ousdahl.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. The information is intended to be, and has been, treated by FPL as private, and its confidentiality has been maintained.

4. Pursuant to Section 366.093, Florida Statutes, the information highlighted in Exhibit A 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.

5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3) SUBSECTION." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's request.

6. Further support for FPL's request for confidential classification of the referenced

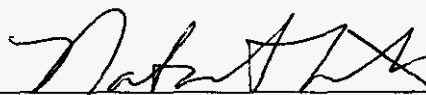
information is provided through the affidavits that are included as Exhibit D to this Request. As the affidavits included in Exhibit D indicate, the information provided by FPL contains information relating to trade secrets. Such information is protected by Section 366.093(3)(a), Florida Statutes. The information provided by FPL also includes information that relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Such information is protected by Section 366.093(3)(e), Florida Statutes.

7. 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), Florida Statutes.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Florida Power & Light Company respectfully requests that its request for confidential classification be granted.

Respectfully submitted,

John T. Butler, Managing Attorney
Jessica A. Cano, Attorney
Florida Power & Light Company
700 Universe Blvd
Juno Beach, Florida 33408-0420
Telephone: 561-304-5226
Fax: 561-691-7135

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification, without exhibits, has been furnished by United States Mail or hand delivery (*) this 6th day of August, 2009, to the following:

Lisa Bennett, Esquire*
Anna Williams, Esquire
Martha Brown, Esquire
Jean Hartman, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
LBENNETT@PSC.STATE.FL.US
ANWILLIA@PSC.STATE.FL.US
mbrown@psc.state.fl.us
JHARTMAN@PSC.STATE.FL.US

J.R. Kelly, Esquire
Joseph A. McGlothlin, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Attorneys for the Citizens of the State
of Florida
Kelly.jr@leg.state.fl.us
mcglathlin.joseph@leg.state.fl.us

Kenneth L. Wiseman, Esquire
Mark F. Sundback, Esquire
Jennifer L. Spina, Esquire
Lisa M. Purdy, Esquire
Andrews Kurth LLP
1350 I Street, NW, Suite 1100
Washington, DC 20005
Attorneys for South Florida Hospital and
Healthcare Association ("SFHHA")
kwiseman@andrewskurth.com
msundback@andrewskurth.com
jspina@andrewskurth.com
lisapurdy@andrewskurth.com

Robert A. Sugarman, Esquire
D. Marcus Braswell, Jr., Esquire
c/o Sugarman & Susskind, P.A.
100 Miracle Mile, Suite 300
Coral Gables, FL 33134
Attorneys for I.B.E.W. System Council U-4
sugarman@sugarmansusskind.com
mbraswell@sugarmansusskind.com

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
Attorneys for the Florida Retail Federation
swright@yvlaw.net
jlavia@yvlaw.net

Jon C. Moyle, Jr., Esquire
Vicki Gordon Kaufman, Esquire
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, FL 32301
Attorneys for The Florida Industrial Power
Users Group (FIPUG)
jmoyle@kagmlaw.com
vkaufman@kagmlaw.com

John W. McWhirter, Jr., Esquire
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601
Attorneys for The Florida Industrial Power
Users Group (FIPUG)
jmcwhirter@mac-law.com

Thomas Saporito
Saporito Energy Consultants, Inc.
Post Office Box 8413
Jupiter, FL 33468-8413
support@SaporitoEnergyConsultants.com

Stephanie Alexander, Esquire
Tripp Scott, P.A.
200 West College Avenue, Suite 216
Tallahassee, FL 32301
Attorneys for Association For Fairness In
Rate Making (AFFIRM)
sda@trippscott.com

Shayla L. McNeill, Capt, USAF
Utility Litigation & Negotiation Team
Staff Attorney
AFLOA/JACL-ULT
AFCESA
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5317
Attorneys for the Federal Executive Agencies
shayla.mcneill@tyndall.af.mil

Brian P. Armstrong, Esquire
Marlene K. Stern, Esquire
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
Attorneys for the City of South Daytona,
Florida
barmstrong@ngnlaw.com
mstern@ngnlaw.com

Cecilia Bradley
Senior Assistant Attorney General
Office of the Attorney General
The Capitol - PL01
Tallahassee, FL 32399-1050
cecilia.bradley@myfloridalegal.com

Tamela Ivey Perdue, Esquire
Associated Industries of Florida
516 North Adams Street
Tallahassee, FL 32301
tperdue@aif.com


By: 
Jessica A. Cano

EXHIBIT C

JUSTIFICATION TABLE

AUGUST 2009

EXHIBIT C

COMPANY:
TITLE:
DOCKET NO.

Florida Power & Light Company
Richard A. Baudino & Lane Kollen Direct Testimony
080677-EI
090130-EI

DOCUMENT or EXHIBIT	DESCRIPTION	PAGE NO.	CONF. Y/N	LINE NO.	FLORIDA STATUTE 366.093.(3) Subsection	AFFIANT
Testimony & Exhibits	Direct Testimony and Exhibits of Richard A. Baudino	All	N	N/A	N/A	N/A
Testimony	Direct Testimony of Lane Kollen	1 to 71	N	N/A	N/A	N/A
Exhibit (LK-1)	Resume of Lane Kollen, Vice President	1 to 32	N	N/A	N/A	N/A
Exhibit (LK-2)	SFHHA's Second Set of Interrogatories No. 112	1	N	N/A	N/A	N/A
Exhibit (LK-3)	Docket Nos. 0500454-E- & 050188-EI, Order Approving Stipulation and Settlement	1 to 22	N	N/A	N/A	N/A
Exhibit (LK-4)	FPL Group, Inc. Florida Power & Light Company, Form 10-Q	1 to 6	N	N/A	N/A	N/A
Exhibit (LK-5)	Earnings report of FPL Group, Inc. News Release	1 to 32	N	N/A	N/A	N/A
Exhibit (LK-6)	FPL Monthly Operating Performance Report, March 2009	1 to 2 3 to 4 5 6 to 38 39 40 to 43 44 45 to 52 53 54 to 65 66 67 to 72 73 74 to 81 82 83 to 85 86 87 to 90 91 92 to 105 106 107 to 117 118 to 119 120 to 134	N Y N Y N Y N Y N Y N Y N Y N Y N Y N Y N Y N Y N Y	N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A	N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e) N/A (a) (e)	N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl N/A Kim Ousdahl
Exhibit (LK-7): Pages 1, 3, 6, 32, 37, 38, 45 & 91 to 99 Pages	Materials Prepared in Connection with the FPL Group, Inc. Board of Directors Meeting held on October 17, 2008	1 2 3 4 to 5 6 7 to 31 32 33 to 36 37 38 39 to 44 45 46 to 90 91 to 99 100 to 116	N Y N Y N Y N Y N Y N Y N Y N Y	N/A All N/A All N/A All N/A All N/A All N/A All N/A All All	N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e)	N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot
Exhibit (LK-8): Pages 1, 2, 40, 53 to 56, 69, 77, 96, 110, 115, 121	Materials Prepared in Connection with the FPL Group, Inc. Board of Directors Meeting held on December 12, 2008	1 2 3 to 39 40 41 to 52 53 to 56 57 to 68 69 70 to 76 77 78 to 95 96 97 to 109 110 111 to 114 115 116 to 120 121 122 to 123	N N Y N Y N Y N Y N Y N Y N Y N Y N Y N Y	N/A N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All N/A All	N/A N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e) N/A (e)	N/A N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot N/A Alissa E. Ballot
Exhibit (LK-9)	SFHHA's Second Set of Interrogatories No. 119	1 to 9	N	N/A	N/A	N/A
Exhibit (LK-10)	SFHHA's Tenth Set of Interrogatories No. 297	1 to 3	N	N/A	N/A	N/A

EXHIBIT C

COMPANY:
TITLE:
DOCKET NO.

Florida Power & Light Company
Richard A. Baudino & Lane Kollen Direct Testimony
080677-EI
090130-EI

DOCUMENT or EXHIBIT	DESCRIPTION	PAGE NO.	CONF. Y/N	LINE NO.	FLORIDA STATUTE 366.093.(3) Subsection	AFFIANT
Exhibit (LK-11)	SFHHA Adjustments to Reflect Productivity Gains	1 to 2	N	N/A	N/A	N/A
Exhibit (LK-12)	SFHHA's Fifth Set of Interrogatories No. 240	1 to 2	N	N/A	N/A	N/A
Exhibit (LK-13)	SFHHA's Tenth Set of Interrogatories No. 291	1 to 24	N	N/A	N/A	N/A
Exhibit (LK-14)	SFHHA Adjustments to Eliminate Nuclear Staff Increases	1	N	N/A	N/A	N/A
Exhibit (LK-15)	SFHHA's Fifth Set of Interrogatories No. 237	1	N	N/A	N/A	N/A
Exhibit (LK-16)	SFHHA's Second Set of Interrogatories No. 120	1	N	N/A	N/A	N/A
Exhibit (LK-17)	SFHHA's Tenth Set of Interrogatories No. 289	1	N	N/A	N/A	N/A
Exhibit (LK-18)	SFHHA's Tenth Set of Interrogatories No. 290	1 to 4	N	N/A	N/A	N/A
Exhibit (LK-19)	SFHHA's Tenth Set of Interrogatories No. 283	1	N	N/A	N/A	N/A
Exhibit (LK-20)	SFHHA's Fifth Set of Interrogatories No. 243	1	N	N/A	N/A	N/A
Exhibit (LK-21)	SFHHA's Tenth Set of Interrogatories No. 287	1	N	N/A	N/A	N/A
Exhibit (LK-22)	SFHHA's Tenth Set of Interrogatories No. 288	1 to 4	N	N/A	N/A	N/A
Exhibit (LK-23)	SFHHA's Tenth Set of Interrogatories No. 284	1	N	N/A	N/A	N/A
Exhibit (LK-24)	SFHHA Adjustments to Reflect Deferral of CIS O&M Expense	1	N	N/A	N/A	N/A
Exhibit (LK-25)	SFHHA Capital Expenditure Reductions	1	N	N/A	N/A	N/A
Exhibit (LK-26)	Depreciation Study, Exhibit CRC-1, Page 53 of 720	1	N	N/A	N/A	N/A
Exhibit (LK-27)	SFHHA Amortization of Depreciation Reserve Surplus	1	N	N/A	N/A	N/A
Exhibit (LK-28)	SFHHA Adjustments to Company Proposed Capital Costs Recovery Over Four Years	1	N	N/A	N/A	N/A
Exhibit (LK-29)	FERC Financial Report FERC Form No. 1: Annual Report of Major Electric Utilities, Licenses and Others and Supplemental Form 3-Q Quarterly Financial Report	1 to 2	N	N/A	N/A	N/A
Exhibit (LK-30)	Depreciation Study, Exhibit CRC-1, Page 132 of 720	1	N	N/A	N/A	N/A
Exhibit (LK-31)	PacifiCorp 2008 Integrated Resource Plan	1 to 3	N	N/A	N/A	N/A
Exhibit (LK-32)	SFHHA Adjustments to Company Proposed Service Lives for Combines Cycle Gas Turbine Units	1	N	N/A	N/A	N/A
Exhibit (LK-33)	Major Players Team Up for Florida SmartMeter Project	1 to 2	N	N/A	N/A	N/A
Exhibit (LK-34)	SFHHA Adjustment to Reflect Effects of Economic Stimulus Bill	1	N	N/A	N/A	N/A
Exhibit (LK-35)	SFHHA's Ninth Set of Interrogatories No. 279	1 to 3	N	N/A	N/A	N/A
Exhibit (LK-36)	Florida Power And Light Cost of Capital	1 to 5	N	N/A	N/A	N/A
Exhibit (LK-37)	SFHHA's Ninth Set of Interrogatories No. 278	1	N	N/A	N/A	N/A
Exhibit (LK-38)	SFHHA's Ninth Set of Interrogatories No. 280	1	N	N/A	N/A	N/A

EXHIBIT D

AFFIDAVITS

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 KIM OUSDAHL


BEFORE ME, the undersigned authority, personally appeared Kim Ousdahl, who, being first duly sworn, deposes and says:

1. My name is Kim Ousdahl. I am currently employed by Florida Power & Light Company ("FPL") as Controller. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of information contained in the testimony and certain exhibits of SFHHA witness Lane Kollen. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain trade secrets and information relating to competitive interests, the disclosure of which would impair the competitive business of FPL. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

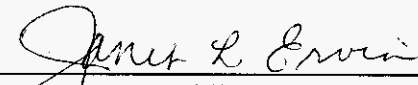
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.



Kim Ousdahl

SWORN TO AND SUBSCRIBED before me this 4th day of August 2009, by Kim Ousdahl, who is personally known to me ~~or who has produced~~ _____ (type of identification) ~~as identification~~ and who did take an oath.



Notary Public, State of Florida

My Commission Expires: April 25, 2011

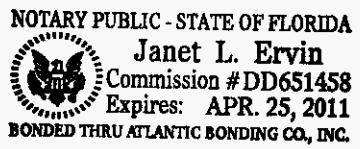


EXHIBIT D

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 ALISSA E. BALLOT

BEFORE ME, the undersigned authority, personally appeared Alissa E. Ballot, who, being first duly sworn, deposes and says:

1. My name is Alissa E. Ballot. I currently serve as Vice President & Corporate Secretary of FPL Group, Inc. and as Vice President & Corporate Secretary of FPL Group, Inc.'s subsidiary, Florida Power & Light Company ("FPL"). I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of information contained in the testimony and certain exhibits of South Florida Hospital and Healthcare Association witness Lane Kollen. The documents that I have reviewed consist of certain materials provided and presented to FPL Group, Inc.'s Board of Directors (the "FPL Group Board") in connection with meetings of the FPL Group Board. As a matter of course, materials provided and presented to the FPL Group Board, in whole or in part, convey competitively sensitive business information and strategies, and the very manner in which the information is presented to the FPL Group Board is itself confidential and proprietary in nature. Disclosure of these materials and the manner in which such materials are provided and presented could impair the competitive business of, or cause competitive harm to, FPL Group, Inc. Additionally, disclosure of such information and the attendant possibility for future disclosure of similar information could have a chilling effect on the information provided to, and deliberations and discussions of, the FPL Group Board.

3. Consistent with Rule 25-22.006, Florida Administrative Code, such materials are to remain confidential for a period of not less than 18 months. In addition, they are to be returned to FPL Group, Inc. as soon as the information is no longer necessary for the Commission to conduct its business, so that FPL Group, Inc. can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

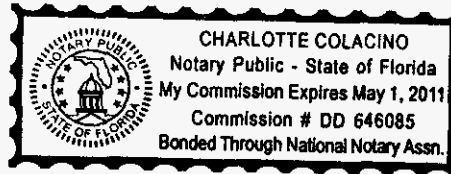


Alissa E. Ballot

SWORN TO AND SUBSCRIBED before me this 4th day of August 2009, by Alissa E. Ballot, who is personally known to me and who did take an oath.

Charlotte Colacino
Notary Public, State of Florida

My Commission Expires: May 1, 2011



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: August 6, 2009

TO: Jessica Cano

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 080677-EI/090130-EI or, if filed in an undocketed matter, concerning certain information contained in the testimony and exhibits of SFHHA witness, Lane Kollen., 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.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

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

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