



Jessica Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
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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 Ms. Dismukes filed by the Office of Public Counsel.

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 _____
ECR 5
GCL 1
OPC _____
ROP _____
SSC _____
SGA _____
ADM _____
CLK 1

DOCUMENT NUMBER-DATE

08156 AUG-6 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 6, 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") requests confidential classification of certain information contained in the testimony and exhibits of Office of Public Counsel ("OPC") witness Kimberly Dismukes ("Dismukes Testimony") filed in this docket. In support of its Request, FPL states as follows:

1. On July 16, 2009, FPL filed a Notice of Intent to Request Confidential Classification of materials contained in the Dismukes Testimony ("NOI"). Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL has 21 days from the date of that filing to file a formal request for confidential classification with respect to the Dismukes Testimony. This Request is intended to request confidential classification of the confidential portions of the Dismukes 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 Dismukes 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 affidavit in support of the requested classification.

d. Exhibit D is comprised of the affidavits of Kenneth Getchell, David Eckman, Christine Randell, and Robert Onsgard.

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 those affidavits indicate, the information provided by FPL includes internal auditing controls and

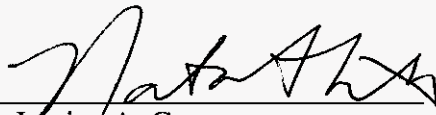
reports of internal auditors. Such information is protected by Section 366.093(3)(b), Florida Statutes. Certain other information is related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Such information is protected by Sections 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
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tperdue@aif.com

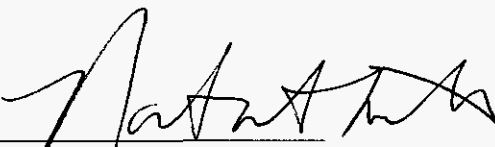
By: 
Jessica A. Cano

EXHIBIT C

JUSTIFICATION TABLE

AUGUST 2009

EXHIBIT C

COMPANY:
TITLE:
DOCKET NO.

Florida Power & Light Company
Kimberly H. Dismukes Direct Testimony
080677-EI
090130-EI

DOCUMENT or EXHIBIT	DESCRIPTION	PAGE NO.	CONF. Y/N	LINE NO. COL NO.	FLORIDA STATUTE 366.093.(3) Subsection	AFFIANT
Testimony	Kimberly H. Dismukes Direct Testimony	1 to 5	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	6	Y	Line 35	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	7	Y	Lines 1, 2, 3, 5	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	8	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	9	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	10	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	11	Y	Lines 10 to 22	(b)	Robert A. Onsgard
Testimony	Kimberly H. Dismukes Direct Testimony	12 to 14	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	15	Y	Lines 3 to 5	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	16	Y	Lines 3 & 4	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	17	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	18	Y	Lines 12 to 14, 16 & 17	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	19	Y	Lines 6 to 8, 14 & 15	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	20	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	21	Y	Line 32	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	22	Y	Lines 21 to 23	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	23	Y	Lines 3, 5, 11 & 12	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	24	Y	Lines 7 & 9 to 12	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	25	Y	Lines 10 to 12 18 to 21	(b)	Robert A. Onsgard
Testimony	Kimberly H. Dismukes Direct Testimony	26 to 31	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	32	Y	Lines 4, 6, 12, 18 & 19	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	33	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	34	Y	Lines 20 to 26	(b)	Robert A. Onsgard
Testimony	Kimberly H. Dismukes Direct Testimony	35	Y	Line 19	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	36 to 37	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	38	Y	Line 12	(e)	Kenneth Getchell
Testimony	Kimberly H. Dismukes Direct Testimony	39	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	40	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	41	Y	Lines 7, 10 & 20	(e)	Kenneth Getchell
Testimony	Kimberly H. Dismukes Direct Testimony	42 to 50	N	N/A	N/A	N/A
Testimony	Kimberly H. Dismukes Direct Testimony	51	Y	Lines 22 & 23	(e)	Christine Randell
Testimony	Kimberly H. Dismukes Direct Testimony	52	N	N/A	N/A	N/A
Exhibit KHD-1	Kimberly H. Dismukes Qualifications	1 to 7	N	N/A	N/A	N/A
Exhibit KHD-2	FPL Group, Inc. Organization Chart	1 to 27	N	N/A	N/A	N/A
Exhibit KHD-3	Florida Power & Light Company FPL Affiliate Growth	1	Y	Lines 7 to 45, Cols b to i	(e)	Christine Randell
Exhibit KHD-4	Florida Power & Light Company Direct Charges to Affiliates	1	N	N/A	N/A	N/A
Exhibit KHD-5	Florida Power & Light Company FPL Massachusetts Formula	1 to 3	Y	All Pages, Lines 5 to 15, Cols b to h	(e)	Christine Randell
Exhibit KHD-6	FPL Group, Inc. Shared Executives	1 to 16	N	N/A	N/A	N/A
Exhibit KHD-7	FPL Group, Inc. Earnings Summary by Segment	1	N	N/A	N/A	N/A
Exhibit KHD-8	FPL Group, Inc. 2008 Annual Report	1 to 2	N	N/A	N/A	N/A
Exhibit KHD-9	Florida Power & Light Company OPC Recommended Affiliate Management Fee Cost Drivers	1 to 2	Y	All Pages, Lines 5 to 38, Cols c to e	(e)	Christine Randell
Exhibit KHD-10	Florida Power & Light Company OPC Recommended Massachusetts Formula	1	Y	Lines 4 to 14 & 16 to 26, Cols b to i	(e)	Christine Randell
Exhibit KHD-11	Florida Power & Light Company OPC Recommended Affiliate Management Fee Adjustments	1	Y	Page 1 of 2, Lines 8 & 9, Cols b, c, d & f	(e)	Christine Randell
		2	Y	Page 2 of 2, Lines 8, 9, 11 & 12, Cols b & c	(e)	Christine Randell
Exhibit KHD-12	Florida Power & Light Company FiberNet Adjustment	1	Y	Lines 5 to 14 & 16, Col b	(e)	David Eckmann
Exhibit KHD-13	Florida Power & Light Company FPLES Margin on Gas Sales Adjustment	1	Y	Lines 4 to 10, 14 & 15, Col b	(e)	Kenneth Getchell
Exhibit KHD-14	Florida Power & Light Company Gain on Sale Adjustment	1 to 3	N	N/A	N/A	N/A
Exhibit KHD-15	Florida Power & Light Company Miscellaneous Revenue Adjustment	1	N	N/A	N/A	N/A
Exhibit KHD-16	Florida Power & Light Company Summary of Affiliate Adjustments	1	Y	Line 8, Col b & c	(e)	Kenneth Getchell

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 MIAMI-DADE)

AFFIDAVIT OF DAVID ECKMANN


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

1. My name is David Eckmann. I am currently employed by FPL FiberNet, LLC ("FiberNet") as Director of Core Business Development, Legal and Regulatory Affairs. 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 Obtained in Connection with the testimony and certain exhibits of OPC witness Kim Dismukes. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain information relating to competitive interests, the disclosure of which would impair the competitive business FiberNet. 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.

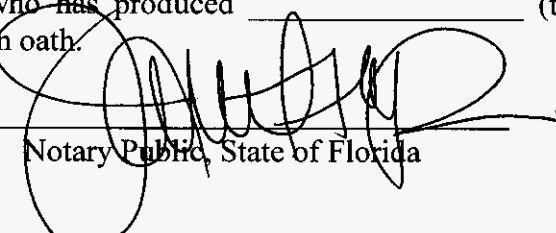
4. Affiant says nothing further.



David Eckmann

SWORN TO AND SUBSCRIBED before me this 30th day of August 2009, by David Eckmann, 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:

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 MIAMI-DADE)

AFFIDAVIT OF KENNETH GETCHELL

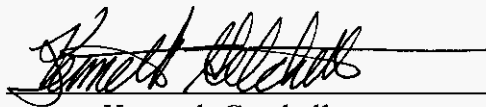
BEFORE ME, the undersigned authority, personally appeared Kenneth Getchell who, being first duly sworn, deposes and says:

1. My name is Kenneth Getchell. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Cost and Performance. 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 OPC witness Kim Dismukes. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain information relating to competitive interests, the disclosure of which would impair the competitive business of FPLES. Specifically, the information provided by FPL includes information related to the sale of FPL's natural gas business to FPLES, including revenue and margin amounts. Disclosure of this information would impair FPLES's competitive interests. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

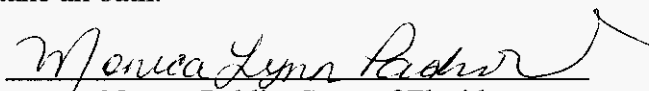
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL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

4. Affiant says nothing further.



Kenneth Getchell

SWORN TO AND SUBSCRIBED before me this 3rd day of August 2009, by Kenneth Getchell, 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:
DECEMBER 18 2010

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 MIAMI-DADE)

AFFIDAVIT OF ROBERT A. ONSGARD

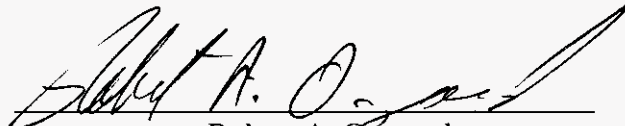
BEFORE ME, the undersigned authority, personally appeared Robert A. Onsgard who, being first duly sworn, deposes and says:

1. My name is Robert A. Onsgard. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Auditing. 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 OPC witness Kim Dismukes. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to internal auditing controls and reports of internal auditors or information relating to same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

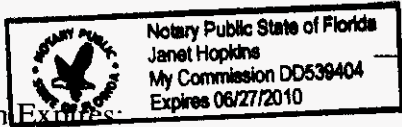
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL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

4. Affiant says nothing further.

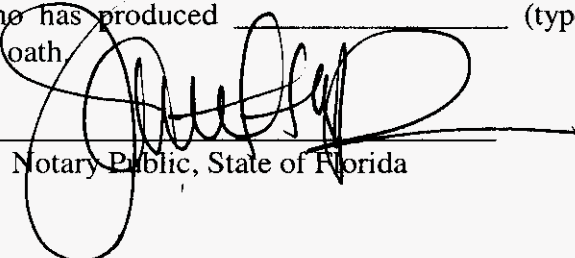


Robert A. Onsgard

SWORN TO AND SUBSCRIBED before me this 3rd day of August 2009, by Robert A. Onsgard, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



My Commission Expires:



Notary Public, State of Florida

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 MIAMI-DADE)

AFFIDAVIT OF CHRISTINE RANDELL.

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

1. My name is Christine Randell. I am currently employed by Florida Power & Light Company ("FPL") as Supervisor of Cost Measurement and Allocation. 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 OPC witness Kimberly Dismukes. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. 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.

Christine Randell

Christine Randell

SWORN TO AND SUBSCRIBED before me this 3rd day of August 2009, by Christine Randell, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

[Signature]
Notary Public, State of Florida

My Commission Expires:



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 7, 2009

TO: Jessica Cano, 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 certain information contained in testimony and exhibits of OPC's witness Kimberly Dismukes, and filed on behalf of Florida Power & Light. 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
08157 AUG-6 09
FPSC-COMMISSION CLERK

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