

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition to Determine Need for FPL
Florida EnergySecure Pipeline

DOCKET NO. 090172-EI

FILED: August 12, 2009

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

Florida Power & Light Company (FPL), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification of certain information provided to Florida Gas Transmission Company, LLC (FGT) in response to FGT's First Request for Production of Documents, Nos. 1, 3, 5, and 9:

1. On July 23, 2009, FPL filed a Notice of Intent to Request Confidential Classification related to materials provided in response to FGT's First Request for Production of Documents, Nos. 1, 3, 5, and 9. This information was provided to FGT pursuant to a confidentiality agreement between FPL and FGT.

2. As detailed in Exhibit A, documents provided to FGT in response to FGT's First Request for Production of Documents include information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms. The documents produced also include information relating to competitive interests of the provider of the information, the disclosure of which would impair the competitive

COM business of the provider of the information.

ECR

GCL 1 3. As indicated in Exhibit D, FPL's responses to FGT's First Request for Production

OPC of Documents included two compact discs (CDs) containing confidential information. As

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FPSC-COMMISSION CLERK

explained in Exhibits E and F, the CDs contain information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms. The CDs also include information relating to competitive interests of the provider of the information, the disclosure of which would impair the competitive business of the provider of the information.

4. The following exhibits are included with this request:

a. Exhibit A is a table which identifies the documents for which FPL seeks confidential classification and the specific basis for seeking confidential treatment;

b. Exhibit B is a package containing two copies of a redacted version of the documents for which FPL requests confidential classification. The information for which confidential treatment is requested has been blocked out by opaque marker or other means;

c. Exhibit C is a package containing an unredacted copy of the documents for which FPL seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow;

d. Exhibit D consists of two CDs which include confidential material for which FPL requests confidential classification. These CDs are date-stamped FPL 001015.01 and 003217. Exhibit D is being submitted separately in a sealed envelope labeled "CONFIDENTIAL."

e. Pursuant to Rule 25-22.006(4)(b), Florida Administrative Code, Exhibit E consists of a written identification of the specific data fields for which confidential classification of the electronic material on the CDs included in Exhibit D is requested.

f. Pursuant to Rule 25-22.006(4)(b), Florida Administrative Code, Exhibit F consists of a field-by-field justification for the confidential classification of the electronic material on the CDs included in Exhibit D.

g. Exhibit G is the affidavit of Heather C. Stubblefield.

5. FPL's Confidential Responses to FGT's First Request for Production of Documents, documents bate-stamped FPL 000025-000028; 001017-001033; 003074-003080¹; 003116-003120; 003121-003123; 003124-003127; and 003215 as well as the confidential CDs produced in response to FGT's First Request for Production of Documents and included in Exhibit D (bate-stamped 001015.01 and 003217) include information submitted to or provided by respondents on a confidential basis related to FPL's solicitation for natural gas transportation alternatives. Specifically, the documents include information concerning proposals received in response to FPL's solicitation, including information related to proposed terms, as well as information that could be used to ascertain the identity of one or more of the respondents. This information (also identified on Exhibits "A" and "E") qualifies for confidential classification under Section 366.093(3), Florida Statutes. The purpose of FPL's solicitation was to obtain potentially favorable contract terms for natural gas transportation alternatives. Without assurances that their identities and the terms of their proposals would not be publicly disclosed, potential respondents would run the risk that sensitive business information in their proposals would be made available to the public, including potential competitors. As a result, potential respondents might withhold sensitive information necessary for FPL to understand and evaluate

¹ FPL produced the confidential documents bate-stamped 003074-003080 to FGT in a format redacting the information that was not relevant to FGT's request for production of documents. FPL provided these documents to Public Service Commission Staff attached to its Notice of Intent filed July 23, 2009, in the same redacted format as provided to FGT. Copies of the fully unredacted versions were not provided to FGT or to Staff. Thus, this Request relates only to confidential information contained in the unredacted portions of those documents.

the costs and benefits of their proposals, or might choose not to participate in solicitations with FPL. Furthermore, disclosure of sensitive information provided in response to FPL's solicitation would impair the competitive interests of the provider of the information. Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes. *See* Order No. PSC-05-1141-CFO-EI issued in Docket No. 031033-EI on November 15, 2005 (granting confidential classification of the identities of bidders who responded to request for proposals for waterborne transportation services).

6. The confidential documents bate-stamped FPL 003042-003043 include information provided to FPL by Black & Veatch pursuant to an agreement requiring FPL to maintain the confidentiality of the material. As such, this information is information concerning contractual data, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms. Additionally, the documents bate-stamped FPL 003042-003043 contain information related to competitive interests, the public disclosure of which would impair the competitive business of FPL. Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

7. All of the information for which FPL seeks confidential treatment is intended to be and is treated as confidential by FPL. The information has not been disclosed to the public.

8. FPL requests that the information identified above be classified as "proprietary confidential business information" within the meaning of section 366.093(3), Florida Statutes; that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), Florida Statutes; and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted this 12th day of August, 2009.

R. Wade Litchfield, Vice President and
Associate General Counsel
John T. Butler, Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
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Facsimile: (561) 691-7135

and

HOPPING GREEN & SAMS, P.A.

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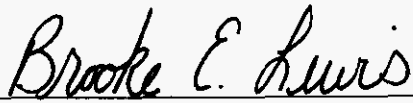
Attorneys for Florida Power & Light Company

CERTIFICATE OF SERVICE
Docket No. 090172-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States mail this 12th day of August, 2009, to the following:

Martha Carter Brown
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
MBrown@PSC.STATE.FL.US

Floyd R. Self
Messer Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308
fself@lawfla.com



Attorney

EXHIBIT A
JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
FPL 000025-000028	1	All	1, 2	§ 366.093(3)(d) & (e), Fla. Stat.
	2	All	1-7	§ 366.093(3)(d) & (e), Fla. Stat.
FPL 001017-001033	1-17	All	All	§ 366.093(3)(d) & (e)
FPL 003042-003043	1, 2	All	All	§ 366.093(3)(d) & (e), Fla. Stat. Check with Heather
FPL 003074-003080	3	All	1	§ 366.093(3)(d) & (e), Fla. Stat.
	5	All	1	§366.093(3)(d) & (e), Fla. Stat.
FPL 003116-003120	1-5	All	All	§ 366.093(3)(d) & (e), Fla. Stat.
FPL 003121-003123	1-3	All	All	§ 366.093(3)(d) & (e), Fla. Stat.
FPL 003124-003127	1-4	All	All	§ 366.093(3)(d) & (e), Fla. Stat.
FPL 003215	1	All	1, 2, 3	§ 366.093(3)(d) & (e), Fla. Stat.

EXHIBIT E
WRITTEN IDENTIFICATION OF SPECIFIC DATA FIELDS FOR WHICH
CONFIDENTIAL CLASSIFICATION IS REQUESTED

BATES NUMBER	SPECIFIC DATA FIELDS	STATUTORY JUSTIFICATION
FPL 001015.01	All	§ 366.093(3)(d) & (e), Fla. Stat.
FPL 003217	All	§ 366.093(3)(d) & (e), Fla. Stat.

EXHIBIT F

FIELD-BY-FIELD JUSTIFICATION: ALL FIELDS

As the affidavit included in Exhibit G indicates, the information provided by FPL on CDs bate-stamped FPL 001015.01 and FPL 003217 contains information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. § 366.093(3)(d), Fla. Stat. Additionally, the information provided by FPL contains information related to competitive interests, the public disclosure of which would impair the competitive business of the provider of the information. § 366.093(3)(e), Fla. Stat.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition to Determine Need for FPL
EnergySecure Pipeline

DOCKET NO. 090172-EI

FILED: August 12, 2009

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared Heather C. Stubblefield who, being first duly sworn deposes and says:

1. My name is Heather C. Stubblefield. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Project Development in the Energy Marketing and Trading Business Unit. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and electronic information included in Exhibits C and D to FPL's Request for Confidential Classification. The documents and electronic information in Exhibits C and D which is asserted by FPL to be proprietary confidential business information is comprised of information concerning bids and contractual data, the disclosure of which would impair the efforts of FPL to contract for good and services on favorable terms. This information is also related to competitive interests, and its disclosure would impair the competitive business of the provider of the information. The documents bate-stamped FPL 000025-000028; 001017-001033, 003074-003080; 003116-003120; 003121-003123; 003124-003127; and 003215 as well as the confidential compact discs (CDs) produced in response to FGT's First Request for Production of Documents and included in Exhibit D (bate-stamped 001015.01 and 003217) include information submitted to or provided by respondents on a confidential basis related to FPL's solicitation for natural gas transportation alternatives. The confidential documents bate-stamped FPL 003042-003043 include information provided to FPL by Black & Veatch pursuant to an agreement requiring FPL to maintain the confidentiality of the material. All of this information was provided to FGT pursuant to a confidentiality agreement between FPL and FGT.

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.

Affiant says nothing further.

Heather C. Stubblefield
Heather C. Stubblefield

SWORN TO AND SUBSCRIBED before me this 12th day of August, 2009, by _____, who is personally known to me or who has produced personal knowledge (type of identification) as identification and who had taken an oath.

My Commission Expires



Maritza Miranda-Wise

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 12, 2009

TO: Brooke E. Lewis, Gary V. Perko/Hopping Law Firm

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 090172 or, if filed in an undocketed matter, concerning certain information provided to FGT in response to FGT's 1st Request for PODs, Nos. 1, 3.5, and 9, provided on hard copy and 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.

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