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August 31, 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

RECEIVED-FPSC
 09 AUG 31 PM 1:33
 COMMISSION
 CLERK

Re: Docket No. 080407-EG; FPL's Request for Confidential Classification

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 regarding confidential information included in Hearing Exhibit 167. The original includes Exhibit A through D. The seven (7) copies only include Exhibit C.

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 for its Request for Confidential Classification. Exhibit D contains an affidavit 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 Cano

Jessica A. Cano

- COM _____
- ECR _____
- GCL 1 + CD
- GPC _____
- RCF _____
- SRC _____
- SGA** 5
- ADM _____
- CLK 1

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

DOCUMENT NUMBER-DATE

08987 AUG 31 09

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric conservation goals (Florida Power & Light Company)	Docket No. 080407-EG
In re: Commission review of numeric Conservation goals (Progress Energy Florida, Inc.)	Docket No. 080408-EG
In re: Commission review of numeric conservation goals (Tampa Electric Company)	Docket No. 080409-EG
In re: Commission review of numeric Conservation goals (Gulf Power Company)	Docket No. 080410-EG
In re: Commission review of numeric conservation goals (Florida Public Utilities Company)	Docket No. 080411-EG
In re: Commission review of numeric conservation goals (Orlando Utilities Commission)	Docket No. 080412-EG
In re: Commission review of numeric conservation goals (JEA)	Docket No. 080413-EG
	Filed: August 31, 2009

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF HEARING EXHIBIT NO. 167**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093 of the Florida Statutes, hereby requests confidential classification of proprietary confidential business information. In support of its request, FPL states as follows:

1. On August 10, 2009, FPL filed a Notice of Intent to Request Confidential Classification for FPL's supplemental responses to the Florida Solar Coalition's First Request for Production of Documents No. 2. On August 13, 2009 FPL filed a Notice of Intent to Request Confidential Classification for confidential documents contained within Hearing Exhibit No.

DOCUMENT NUMBER-DATE

08987 AUG 31 09

FPSC-COMMISSION CLERK

167. (“Exhibit 167”). The information that was the subject of FPL’s August 10, 2009 request as well as documents consisting of Bates stamped pages numbered 000014 through 000058 were included within Exhibit 167. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification.

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

a. Exhibit A consists of a copy of the confidential pages on which all information that FPL asserts is entitled to confidential treatment has been highlighted. This Exhibit is intended to replace the confidential documents provided with FPL’s August 10, 2009 Notice of Intent and FPL’s August 13, 2009 Notice of Intent.

b. Exhibit B consists of a copy of the confidential pages on which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D includes the affidavit of John Haney in support of this request.

4. FPL submits that the highlighted 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 it 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. As the affidavit included in Exhibit D indicates, the information provided by FPL contains information related to bids or other contractual data, the public disclosure of which would impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected by section 366.093(3)(d), Florida Statutes. Certain information provided by FPL also contains information that is competitively sensitive to FPL's vendor, the disclosure of which would impair the competitive business of the vendor in question. Such information is protected by section 366.093(3)(e), Florida Statutes.

6. 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), Fla. Stat. Additionally, FPL requests that the confidential documents provided with FPL's August 10, 2009 Notice of Intent and with FPL's August 13, 2009 Notice of Intent be returned.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included with or incorporated in this request, Florida Power & Light Company respectfully requests confidential classification of the material described herein.

Respectfully submitted this 31st day of August, 2009.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY Florida Power & Light Company's Request for Confidential Classification of Hearing Exhibit 167, without exhibits, was served by hand delivery* or U.S. Mail this 31st day of August, 2009, to the following:

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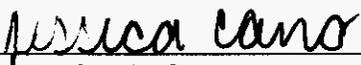
By: 
Jessica A. Cano

EXHIBIT C

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Justification Table for Exhibit 167
DOCKET NO: 080407-EG

Document or Exhibit	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affidavit
Exhibit 167	1-4	N			
Exhibit 167	4-50	Y	ALL	(d) & (e)	John Haney
Exhibit 167	51	Y	Lines 1-3	(d) & (e)	John Haney

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 31, 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 080407 or, if filed in an undocketed matter, concerning supplemental responses to Florida Solar Coalition's First Request for PODs, No. 2; and documents consisting of Bates-stamped pages 000014 through 000058 for exhibit 167, 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
J 8988 AUG 31 09
FPSC - COMMISSION CLERK

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