

Scott A. Goorland
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
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September 9, 2009

-VIA HAND DELIVERY -

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

RECEIVED-FPSC
09 SEP -9 PM 3:45
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 the South Florida Hospital and Healthcare Association's First Request for Production of Documents, No. 12. The original includes Exhibits A, B, C, and D. The seven copies include Exhibits B, C, and D.

Exhibit A consists of a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B consists of a copy of FPL's responses to the South Florida Hospital and Healthcare Association's First Request for Production of Documents, No. 12, on which all information FPL asserts is entitled to confidential treatment has been redacted. Exhibit C is a table containing an identification of the information for which confidential classification is sought, together with references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification. Exhibit D includes the affidavit of Kathy Beilhart in support of this request.

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

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

Sincerely,


Scott A. Goorland

Enclosures

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

**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: September 9, 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 FPL's responses to the South Florida Hospital and Healthcare Association's ("SFHHA's") First Request for Production of Documents, No. 12, in Docket No. 080677-EI, and in support states:

1. Staff has requested copies of FPL's responses to SFHHA's First Request for Production of Documents, No. 12. On August 20, 2009, FPL filed a Notice of Intent to Request Confidential Classification of materials contained in its responses to SFHHA's First Request for Production of Documents, No. 12. 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 material on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of a copy of FPL's responses to SFHHA's First Request for Production of Documents, No. 12, on which all information FPL asserts is entitled to confidential treatment has been redacted.

DOCUMENT NUMBER-DATE

09337 SEP-9 8

FPSC-COMMISSION CLERK

c. Exhibit C is a table containing a an identification of the information for which confidential classification is sought, together with 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 includes the affidavit of Kathy Beilhart in support of this request.

3. 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.

4. As the affidavit included in Exhibit D indicates, the information provided by FPL includes information relating to competitive interests, the disclosure of which would impair the competitive business of FPL or its vendors. This information is protected by section 366.093(3)(e), Florida Statutes. Specifically, the documents contain confidential information sent to and received from ratings agencies, investment banks, and other sources of capital.

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

Respectfully submitted this 9th day of September, 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
700 Universe Boulevard
Juno Beach, Florida 33408-0420
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 this 9th day of September, 2009, to the following:

<p>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</p>	<p>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</p>
<p>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 mcglothlin.joseph@leg.state.fl.us</p>	<p>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</p>
<p>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</p>	<p>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</p>

<p>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</p>	<p>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</p>
<p>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</p>	<p>Cecilia Bradley Senior Assistant Attorney General Office of the Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050 cecilia.bradley@myfloridalegal.com</p>
<p>Barry Richard, Esq. Greenberg Traurig, P.A. 101 East College Avenue Tallahassee, FL 32301 Attorneys for Florida Power & Light Company and FPL Employee Intervenors richardb@gtlaw.com</p>	<p>Tamela Ivey Perdue, Esquire Associated Industries of Florida 516 North Adams Street Tallahassee, FL 32301 tperdue@aif.com</p>
<p>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</p>	<p>Stephen Stewart, Esq. P.O. Box 12878 Tallahassee, FL 32317 tips@fpscreports.com</p>
<p>Mary F. Smallwood, Esq. Ruden, McClosky, Smith, Schuster & Russell, P.A. 215 South Monroe Street, Suite 815 Tallahassee, FL 32301 Attorney for Associated Industries of Florida Mary.Smallwood@Ruden.com</p>	

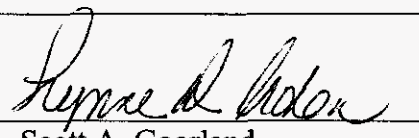
By: 
Scott A. Goorland
Fla. Bar No. 0066834

EXHIBIT C

JUSTIFICATION TABLE

SEPTEMBER 2009

EXHIBIT C

COMPANY:

Florida Power & Light Company

TITLE:

**South Florida Hospital and Healthcare Association's
First Request for Production of Documents, No.12**

DOCKET NOS.

**080677-EI
090130-EI**

BATES PAGE NO.	DESCRIPTION	CONF. Y/N	LINE NO.	FLORIDA STATUTE 366.093.(3) Subsection	AFFIANT
FPL 103389 to FPL 103398	Moody's Investors, Service Rating Agency Presentation, March 2009	N	N/A	N/A	N/A
FPL 103399		Y	All	(e)	Kathy A. Beilhart
FPL 103400 to FPL 103402		N	N/A	N/A	N/A
FPL 103403		Y	All	(e)	Kathy A. Beilhart
FPL 103404 to FPL 103413	Fitch Ratings, Rating Agency Presentation, March 2009	N	N/A	N/A	N/A
FPL 103414		Y	All	(e)	Kathy A. Beilhart
FPL 103415 to FPL 103417		N	N/A	N/A	N/A
FPL 103418		Y	All	(e)	Kathy A. Beilhart
FPL 103419 to FPL 103428	Standard & Poor's Ratings Services, Rating Agency Presentation, March 2009	N	N/A	N/A	N/A
FPL 103429		Y	All	(e)	Kathy A. Beilhart
FPL 103430 to FPL 103432		N	N/A	N/A	N/A
FPL 103433		Y	All	(e)	Kathy A. Beilhart
FPL 103434 to FPL 103442	Standard & Poor's Ratings Services, Rating Agency Presentation, March 2008	N	N/A	N/A	N/A
FPL 103443		Y	All	(e)	Kathy A. Beilhart
FPL 103444 to FPL 103447		N	N/A	N/A	N/A
FPL 103448		Y	All	(e)	Kathy A. Beilhart

EXHIBIT C

COMPANY:

Florida Power & Light Company

TITLE:

South Florida Hospital and Healthcare Association's
First Request for Production of Documents, No.12

DOCKET NOS.

080677-EI
090130-EI

FPL 103449 to FPL 103456	Moody's Investors, Service Rating Agency Presentation, March 2008	N	N/A	N/A	N/A
FPL 103457		Y	All	(e)	Kathy A. Beilhart
FPL 103458 to FPL 103461		N	N/A	N/A	N/A
FPL 103462		Y	All	(e)	Kathy A. Beilhart
FPL 103463 to FPL 103471	Fitch Ratings, Rating Agency Presentation, March 2008	N	N/A	N/A	N/A
FPL 103472		Y	All	(e)	Kathy A. Beilhart
FPL 103473 to FPL 103476		N	N/A	N/A	N/A
FPL 103477		Y	All	(e)	Kathy A. Beilhart
FPL 103478 to FPL 103482	Standard & Poor's Ratings Services, Rating Agency Presentation, March 2007	N	N/A	N/A	N/A
FPL 103483		Y	All	(e)	Kathy A. Beilhart
FPL 103484 to FPL 103488		N	N/A	N/A	N/A
FPL 103489 to FPL 103490		Y	All	(e)	Kathy A. Beilhart

EXHIBIT D

AFFIDAVIT

SEPTEMBER 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)
LEON)
COUNTY OF PALM BEACH)

AFFIDAVIT OF KATHY A. BEILHART

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

1. My name is Kathy A. Beilhart. I am currently employed by Florida Power & Light Company ("FPL") as the Assistant Treasurer. 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 SFHHA's first request for Production of Documents #12. 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 both FPL and the entities. Specifically, the documents contain confidential information sent to and received from ratings agencies, investment banks, and other sources of capital. 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.

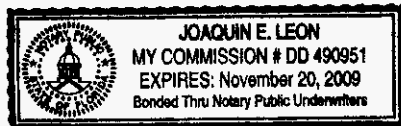
4. Affiant says nothing further.

[Signature of Kathy A. Beilhart]
Kathy A. Beilhart

SWORN TO AND SUBSCRIBED before me this 3rd day of SEPTEMBER August 2009, by Kathy A. Beilhart, who is personally known to me or who has produced [redacted] (type of identification) as identification and who did take an oath.

[Signature of Notary Public]
Notary Public, State of Florida

My Commission Expires:



COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
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: September 9, 2009

TO: Scott A. Goorland, Esquire

FROM: Marguerite H. Mclean, 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 responses to SFHHA's 1st request for PODs (No. 12), 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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