



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)

September 23, 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 SEP 23 PM 3:27  
COMMISSION  
CLERK

Re: Docket No. 080677-EI and Docket No. 090130-EI

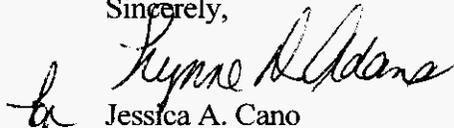
Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its Request for Confidential Classification of Requested Benchmarking Data. The original includes Exhibit A through D. The seven (7) copies include Exhibits C and D only.

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 from the hard copy documents. Exhibit C consists of FPL's justification table for its Request for Confidential Classification. Exhibit D contains the affidavit of Kathleen Slattery in support of FPL's request. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification 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.)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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**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 23, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF REQUESTED BENCHMARKING DATA**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) requests confidential classification of compensation benchmarking data provided at the request of the Florida Public Service Commission (the “Commission”). In support of its Request, FPL states as follows:

1. On August 31, 2009, the Commission requested FPL to provide certain compensation benchmarking data. On September 2, 2009, FPL provided the requested information along with a Notice of Intent to Request Confidential Classification. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of that filing to file a formal request for confidential classification. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is hereby requesting confidential classification.

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

a. Composite Exhibit A consists of the confidential materials, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately and 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 from hard copy

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

documents. Consistent with Rule 25-22.006(4)(b), FPL has not created redacted versions of the electronically stored data.

c. Exhibit C is a table containing a line-by-line and page-by-page (or field-by-field) 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 confidential classification.

d. Exhibit D contains the affidavit of Kathleen Slattery in support of this request.

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 documents listed in Exhibit C numbered 1-2 and 6-7 contain information related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, this information is proprietary information belonging to certain FPL vendors, which is provided to FPL for a fee. FPL is obligated not to

share such information. Such information is protected from public disclosure by Sections 366.093(3)(d) and (e), Florida Statutes. The documents numbered 8-14 also contain proprietary information belonging to FPL vendors related to competitive interests, which is provided to FPL in return for participating in the vendor's survey. Such information is protected from public disclosure pursuant to Section 366.093(3)(e), Florida Statutes.

6. Document number 3 includes competitively sensitive information from vendors (protected pursuant to Section 366.093(3)(e) as described above) as well as specific salary information that is competitively sensitive to FPL and private to its employees. As more fully set forth in paragraphs three through 12 in FPL's Request for Confidential Classification of Requested Compensation Information, filed in the above referenced dockets on September 10, 2009, this information is proprietary, confidential business information as defined by Section 366.093(3), Florida Statutes. It is competitively sensitive to FPL, and its disclosure would harm FPL's competitive business as well as its customers, by increasing compensation costs. Additionally, disclosure of this information would violate employees' constitutionally-protected rights to privacy. Paragraphs three through 12 of FPL's Request for Confidential Classification of Requested Compensation Information is incorporated by reference as though fully restated herein.

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,

R. Wade Litchfield, Vice President of Regulatory  
Affairs and Chief Regulatory Counsel  
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 has been furnished by hand delivery\* or United States Mail this 23rd day of September, 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](mailto:LBENNETT@PSC.STATE.FL.US)  
[ANWILLIA@PSC.STATE.FL.US](mailto:ANWILLIA@PSC.STATE.FL.US)  
[mbrown@psc.state.fl.us](mailto:mbrown@psc.state.fl.us)  
[JHARTMAN@PSC.STATE.FL.US](mailto: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](mailto:Kelly.jr@leg.state.fl.us)  
[mcglothlin.joseph@leg.state.fl.us](mailto:mcglothlin.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](mailto:kwiseman@andrewskurth.com)  
[msundback@andrewskurth.com](mailto:msundback@andrewskurth.com)  
[jspina@andrewskurth.com](mailto:jspina@andrewskurth.com)  
[lisapurdy@andrewskurth.com](mailto: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](mailto:sugarman@sugarmansusskind.com)  
[mbraswell@sugarmansusskind.com](mailto: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](mailto:swright@yvlaw.net)  
[jlavia@yvlaw.net](mailto: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](mailto:jmoyle@kagmlaw.com)  
[vkaufman@kagmlaw.com](mailto: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](mailto:jmcwhirter@mac-law.com)

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](mailto:barmstrong@ngnlaw.com)  
[mstern@ngnlaw.com](mailto:mstern@ngnlaw.com)

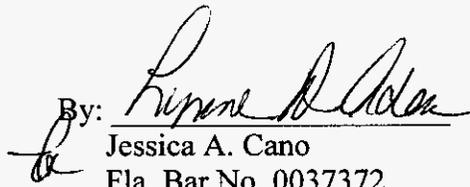
Thomas Saporito  
Saporito Energy Consultants, Inc.  
Post Office Box 8413  
Jupiter, FL 33468-8413  
[support@SaporitoEnergyConsultants.com](mailto:support@SaporitoEnergyConsultants.com)

Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol - PL01  
Tallahassee, FL 32399-1050  
[cecilia.bradley@myfloridalegal.com](mailto:cecilia.bradley@myfloridalegal.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](mailto:sda@trippscott.com)

Tamela Ivey Perdue, Esquire  
Associated Industries of Florida  
516 North Adams Street  
Tallahassee, FL 32301  
[tperdue@aif.com](mailto:tperdue@aif.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](mailto:shayla.mcneill@tyndall.af.mil)

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

**EXHIBIT C**

**JUSTIFICATION TABLE**

**SEPTEMBER 2009**

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EXHIBIT C

COMPANY:  
TITLE:  
DOCKET NOS.

Florida Power & Light Company  
Compensation Benchmarking Data  
080677-EI  
090130-EI

Document NO.	DESCRIPTION	NO. OF PAGES	CONF. Y/N	LINE NO.	FLORIDA STATUTE 366.093(3) Subsection	AFFIANT
1	Salary Budget Survey WorldatWork 35th Annual: 2008 U.S. CDB Energy Services Executive database	1 to 21	Y	All	(d) & (e)	Kathleen Slattery
2	Compact Disc: Salary benchmarking data for non-executive jobs (titled "2007 Finalized Benchmarks Report.pdf")	1 to 2,718	Y	All	(d) & (e)	Kathleen Slattery
3	Compact Disc: Relevant officer market data point information as well as market reference points for base salaries for non-officers (two Excel files)	1st File: Page No. 1 ----- 2nd File: Page Nos. 1 to 9	Y	Lines 4, 6 to 23, 25 to 28, 30 to 45 Col c, e, f & g ----- Lines 2 to 420 Col b, c & d	(e)	Kathleen Slattery
4	2007 Benchmarking Study: Survey Sources	1 to 2	N	N/A	N/A	N/A
5	FPL Annual Market Assessment Scope Matrix	1	N	N/A	N/A	N/A
6	Compact Disc: Hewitt Benefit Index	1 to 392	Y	All	(d) & (e)	Kathleen Slattery
7	Salary Budget Survey WorldatWork 35th Annual	1 to 120	Y	All	(d) & (e)	Kathleen Slattery
8	Ad Hoc Special Survey Report - 0714 SRO/RO Pay Practices	1 to 6	Y	All	(e)	Kathleen Slattery
9	Ad Hoc Special Survey Report - 0705 Nuclear Engineer Overtime Practices	1 to 5	Y	All	(e)	Kathleen Slattery
10	Retention Plan Practices in the Nuclear Power Industry	1 to 11	Y	All	(e)	Kathleen Slattery
11	Ad Hoc Special Survey Report - 0840 2009 Nuclear Merit Budget Survey	1	Y	All	(e)	Kathleen Slattery
12	NHRG Survey	1 to 8	Y	All	(e)	Kathleen Slattery
13	Ad Hoc Special Survey Report - 0728 Nuclear Shift Manager	1 to 3	Y	All	(e)	Kathleen Slattery
14	Ad Hoc Special Survey Report - 0819 SRO & RO Retention Programs	1 to 3	Y	All	(e)	Kathleen Slattery

**EXHIBIT D**

**AFFIDAVIT**

**SEPTEMBER 2009**

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**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 KATHLEEN M. SLATTERY**

**BEFORE ME**, the undersigned authority, personally appeared Kathleen M. Slattery who, being first duly sworn, deposes and says:

1. My name is Kathleen M. Slattery. I am currently employed by Florida Power & Light Company ("FPL") as the Director of Executive Services and Business Planning. I have personal knowledge of the matters stated in this affidavit.

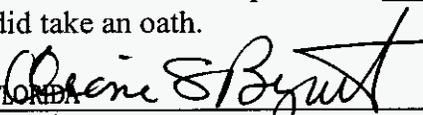
2. I have reviewed Exhibit C, and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Compensation Benchmarking Data, which was requested by the Florida Public Service Commission. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain or constitute information related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, most of this information is proprietary information belonging to certain FPL vendors, which is provided to FPL for a fee or in return for participating in the survey. FPL is obligated not to share such 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.

  
Kathleen M. Slattery

**SWORN TO AND SUBSCRIBED** before me this 22 day of September 2009, by Kathleen M. Slattery, 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  
Diane S. Bryant, Notary Public, State of Florida  
Commission # DD544150  
Expires: JUNE 03, 2010  
Bonded Thru Atlantic Bonding Co., Inc.

My Commission Expires:

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: September 23, 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 compensation benchmarking data provided at PSC's request, 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  
09842 SEP 23 09  
FPSC - COMMISSION CLERK

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

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)