



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant )  
Cost Recovery Clause \_\_\_\_\_)

Docket No. 090009-EI  
Filed: September 28, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF EXHIBIT 131**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of Exhibit 131, introduced and admitted into the record during the FPL portion of the technical hearing in the above referenced docket. In support of its request, FPL states as follows:

1. On September 8, 2009, the Southern Alliance for Clean Energy introduced Exhibit 131 during the FPL portion of the technical hearing in the above referenced docket. Exhibit 131 was admitted into the record as a confidential exhibit at that time. Pursuant to Order No. PSC-09-0604-PHO-EI and Rule 25-22.006(8)(b), Florida Administrative Code, FPL has 21 days from the close of the hearing to file a Request for Confidential Classification of the exhibit.

This filing is intended to request confidential classification pursuant to the Order and the Rule.

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

a. Exhibit A consists 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 two copies of the confidential material 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.

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d. Exhibit D includes the affidavit of Steven Scroggs.

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 in Exhibit 131 is competitively sensitive in nature, and if disclosed, could harm the competitive business of the provider of the information. Specifically, the table appearing on the 4th page of the exhibit consists of FPL's confidential estimate of certain cost elements that make up other project's overall cost estimates. Proprietary and negotiation-based information was combined with publicly available information to develop the information presented therein. Such information is protected by Section 366.093(3)(e), Florida Statutes.

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), Fla. Stat.

**WHEREFORE**, for all the foregoing reasons, FPL respectfully requests confidential classification of Exhibit 131.

Respectfully submitted,

Jessica A. Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5226  
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By: Jessica Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE  
DOCKET NO. 090009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by hand delivery\* or U.S. Mail this 28th day of September, 2009, to the following:

Keino Young, Esq.\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
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By: Jessica Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

## Exhibit C

Company: Florida Power and Light Company  
Re: Confidential Hearing Exhibit 131  
Docket No.: 090009-EI

<b>Document</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf. Y/N</b>	<b>Line No./Col. No.</b>	<b>Florida Statue 366.093 (3) Subsection</b>	<b>Affiant</b>
Exhibit 131	Turkey Point 6&7 Risk Committee Presentation One, June 25, 2008	4	N Y	Pages 1-3 Page 4, Lines 2-17	(e)	Steven D. Scroggs

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 090009-EI

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

**AFFIDAVIT OF STEVEN D. SCROGGS**

**BEFORE ME**, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the document that is included in FPL's Request for Confidential Classification of Exhibit 131 for which I am identified on Exhibit C as the affiant. The document that I have reviewed contains proprietary confidential business information. Disclosure of this information would work to the detriment of FPL's competitive interests. To the best of my knowledge, FPL has maintained the confidentiality of this document.

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.

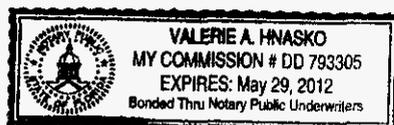
4. Affiant says nothing further.

  
\_\_\_\_\_  
Steven D. Scroggs

**SWORN TO AND SUBSCRIBED** before me this 24 day of September 2009, by Steven D. Scroggs, 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: 5/29/2012



STATE OF FLORIDA

COMMISSIONERS:  
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ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: September 28, 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 090009 or, if filed in an undocketed matter, concerning Exhibit 131, 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  
09985 SEP 28 09  
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