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October 1, 2009

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-VIA OVERNIGHT DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 090001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's Seventh Set of Interrogatories Nos. 57,60,61 and 62 and Fifth Request for Production of Documents No. 10, together with a CD containing the electronic version of same.

Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential information that is the subject of the confidentiality request.

Please note that Exhibit D, affidavit of Gerard J. Yupp is a copy, the original will be provided under separate cover.

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

Sincerely,

Damaris Rodriguez JAT
Scott A. Goorland

Enclosure
cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)

Docket No. 090001-EI

Filed: October 2, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO STAFF'S SEVENTH SET OF INTERROGATORIES NOS. 57, 60,
61 AND 62 AND FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS NO. 10**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided by FPL in response to Staff's Seventh Set of Interrogatories Nos. 57, 60, 61 and 62 and Fifth Request for Production of Documents No. 10 which were served on September 1, 2009 (the "Confidential Responses"). In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Seventh Set of Interrogatories and Fifth Request for Production of Documents on Thursday, October 1, 2009, for overnight delivery to Staff on October 2, 2009. This request is being filed contemporaneously with the delivery of the responses to Staff, in order to request confidential classification of the Confidential Responses consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Composite Exhibit A consists of a copy of the Confidential Responses on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Composite Exhibit B consists of an edited version of Exhibit A, on which all information in the Confidential Responses that FPL asserts is entitled to confidential treatment has been redacted.

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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 consists of the affidavit of Gerard J. Yupp, Senior Director of Wholesale Operations.

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 to the best of FPL's knowledge it has not been publicly disclosed. Pursuant to Section 366.093, such information 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.


4. As the affidavit of Mr. Yupp indicates, the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3) because it comprises details of FPL's strategy and plans for the hedging fuel purchases. This information constitutes competitive information of FPL, which allows FPL to hedge its fuel purchases on favorable terms for FPL and its customers. The disclosure of this information would provide other market participants insight into FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. Disclosure this information would place FPL at a competitive disadvantage when coupled with other information that is publicly available. Such information is protected by Section 366.093(3) (e). Additionally, this information contains details about certain contractual data, the disclosure of which would impair

the competitive business of FPL as well as the efforts of FPL to contract for goods and services on favorable terms. This information is protected by Section 366.093(3) (d).

5. Upon a finding by the Commission that the information highlighted in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), 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).

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Discovery Responses as described herein.

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

CERTIFICATE OF SERVICE
Docket No. 090001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by overnight delivery (*) or U.S Mail on the 1st day of October, 2009, to the following:

Lisa Bennett, Esq.(*)
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Co-Counsel for FIPUG

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

The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

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: October 2, 2009

TO: Scott A. Goorland, 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 090001 or, if filed in an undocketed matter, concerning response to staff's 7th set of Interrogatories, Nos. 57, 60, 61, and 62; and 5th Request for PODs, No. 10, and filed on behalf of _____. 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
10211 OCT-2009
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