

Scott A. Goorland
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Florida Power & Light Company
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December 9, 2009

-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

RECEIVED-FPSC
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COMMISSION
CLERK

Re: Docket No. 090505-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 First Set of Interrogatories No.1, 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 Pedro Modia 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.

COM _____
AFA _____
ECR _____
GCL 1 _____
RAD 5 _____
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ADM _____
OPC _____
CLK 1 _____

Enclosure

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

Sincerely,

Damatis Rodriguez for

Scott A. Goorland

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of replacement fuel costs)
associated with the February 26, 2008 outage on)
Florida Power & Light Company's electrical system)

Docket No. 090505-EI
Filed: December 10, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED IN RESPONSE TO STAFF'S
FIRST SET OF OF INTERROGATORIES NO. 1**

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 the Staff of the Florida Public Service Commission's ("Staff's") First Set of Interrogatories No. 1, which was served on January 14, 2009 (the "Confidential Response"). Staff's First Set of Interrogatories was served in Docket No. 090001, but review of replacement fuel costs associated with the February 26, 2008 outage was subsequently spun off to Docket No. 090505-EI by Order No. PSC-09-0723-PHO-EI, dated October 30, 2009. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's First Set of Interrogatories on Thursday, November 19, 2009 for hand delivery to Staff. FPL considers information responsive to Staff's First Set of Interrogatories No. 1 to be proprietary confidential business information. Accordingly, FPL filed a Notice of Intent to Seek Confidential Classification on November 19, 2009. 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 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 page identifying the title of the confidential document and noting that the contents are confidential. Because FPL seeks confidential

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classification of the entire text of this document, no purpose would be served by reproducing a full redacted version.

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 Pedro Modia, Director of Transmission Services and Planning, 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 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 included in Exhibit D indicates, the information provided by FPL contains security measures, systems, or procedures protected by Section 366.093(3)(c), F.S. Specifically the report contains information details about the Flagami Event, FPL's system restoration, and design and equipment performance. Additionally the response provides details of the Flagami Event human investigation.


5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibits B, C, and D 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.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
Managing Attorney
Scott A. Goorland
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5633
Facsimile: (561) 691-7135

BY: 
Scott A. Goorland
Florida Bar No. 0066834

CERTIFICATE OF SERVICE
Docket No. 090505-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 9th day of December, 2009, to the following:

Lisa Bennett, Esq.*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.
Charles J. Rehwinkel, Esq.
Charles Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

BY: Damaris Rodriguez for
Scott A. Goorland

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

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: December 10, 2009

TO: Scott 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 090505 or, if filed in an undocketed matter, concerning certain response to staff's 1st set of Interrogatories, 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 Kim Peña, Records Management Assistant, at (850) 413-6393.

DOCUMENT NUMBER DATE
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FPSC-COMMISSION CLERK

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