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March 3, 2010

-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
10 MAR -4 AM 9:57
COMMISSION
CLERK

Re: Docket No. 100001-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 Nos. 1 and 8 and Staff's First Request Production of Documents Nos. 2, 4 and 5, 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, affidavits of Gerard J. Yupp and Kenneth L. Brockway are copies, the originals will be provided under separate cover.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

COM _____
APA _____
ECR _____
GCL CD
RAD _____
SSC _____
ADM _____
OPC _____
CLK _____

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

CLK note: No copies received.

Sincerely,

Terry J. Keith for
Scott A. Goorland

DOCUMENT NUMBER - DATE
1466 MAR -4 0
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 100001-EI

Filed: March 4, 2010

**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED IN RESPONSE TO STAFF'S FIRST SET OF
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

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 Nos. 1 and 8 and Staff's First Request Production of Documents Nos. 2, 4 and 5, which were served on February 1, 2010. In support of its Request, FPL states as follows:

1. FPL served its documents responsive to Staff's First Set of Interrogatories and First Request for Production of Documents on March 4, 2010. FPL's responses to Staff's First Set of Interrogatories, Nos. 1 and 8, and Staff's First Request Production of Documents, Nos. 2, 4 and 5, contain information of a confidential nature. Pursuant to Rule 25-22.006, F.A.C., FPL is filing this Request for Confidential Classification.

2. The following exhibits are included with this request:

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

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b. Composite Exhibit B consists of a copy of the confidential material on which all information in the Confidential Discovery Responses that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information for which confidential treatment is sought and 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 Kenneth L. Brockway, Manager of Coal Origination and Gerard J. Yupp Senior Director Wholesale operations in the Energy Marketing and Trading Division in support of this Request for Confidential Classification.

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, Florida Statutes, 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 affidavits included in Exhibit D indicate, the information provided by FPL contains information concerning bids or contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. *Section 366.093(3)(d)*. Specifically, the information contains information related to coal and other fuel purchase bids and contracts. Additionally, the information provided contains information related

to the competitive interests of FPL and of vendors from whom FPL purchases or has considered purchasing coal and coal related services. *Section 366.093(3)(e), F.S.*

5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D 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), F.S.*

Respectfully submitted this 4th day of March, 2010.

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
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Telephone: (561) 691-7101
Facsimile: (561) 691-7135

By: 
Scott A. Goorland
Florida Bar No. 0066834

CERTIFICATE OF SERVICE

Docket No. 100001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery (**) or U.S Mail on the 3rd day of March, 2010, to the following:

<p>Lisa Bennett, Esq.(*) Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <u>LBENNETT@PSC.STATE.FL.US</u></p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 <u>Kelly.jr@leg.state.fl.us</u> <u>Christensen.patty@leg.state.fl.us</u> <u>beck.charles@leg.state.fl.us</u></p>
<p>Lee L. Willis, Esq. James D. Beasley, Esq Ausley & McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 <u>jbeasley@ausley.com</u> <u>lwillis@ausley.com</u></p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 <u>john.burnett@pgnmail.com</u></p>
<p>John W. McWhirter, Jr., Esq McWhirter & Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 <u>jmcwhirter@mac-law.com</u></p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 <u>Beth.keating@akerman.com</u></p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power P.O. Box 12950 Pensacola, Florida 32576-2950 <u>jas@beggslane.com</u> <u>rab@beggslane.com</u></p>	<p>James W. Brew, Esq Attorney for White Springs Brickfield, Burchette, Ritts & Stone, The P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 <u>jbrew@bbrslaw.com</u></p>

<p>Robert Scheffel Wright, Esq Jay T. LaVia, III, Esq Young van Assenderp, P.A Attorneys for Florida Retail Federation 225 South Adams Street, Suite 200 Tallahassee, FL 32301 swright@yvlaw.net jlavia@yvlaw.net</p>	<p>Jon C. Moyle and Vicki Kaufman Keefe, Anchors Gordon & Moyle, P.A. 118 N. Gadsden St. Tallahassee, FL 32301 Co-Counsel for FIPUG vkaufman@kagmlaw.com jmoyle@kagmlaw.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>Michael C. Barrett (*) Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 mbarrett@psc.state.fl.us</p>

By: Terry J. Keith for
Scott A. Goorland
Fla. Bar No. 0066834

STATE OF FLORIDA

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Public Service Commission

ACKNOWLEDGEMENT

DATE: March 4, 2010

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 100001 or, if filed in an undocketed matter, concerning response to staff's 1st set of Interrogatories, Nos. 1 and 8, and staff's 1st Request for PODs, Nos. 2, 4 and 5, 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
01467 MAR-4 09
FPSC-COMMISSION CLERK

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