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May 5, 2010

**-VIA HAND DELIVERY -**

Ms. Ann Cole, Director  
 Commission Clerk  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850

**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") Renewed Request for Confidential Classification of Certain Information on Florida Public Service Commission Forms 423-2, 423-2(a) and 423-2(b) for St. Johns River Power Park for December 2007. FPL's Renewed Request for Confidential Classification is also included on the enclosed CD in Word format.

If there are any questions regarding this transmittal, please contact me at 561-304-5675.

Sincerely,

Ilan G. Kaufer

Enclosure

- COM  cc: Counsel for Parties of Record (w/encl.)
- APA
- ECR
- GCL
- RAD
- SSC
- ADM
- OPC
- CLK

an FPL Group company

DOCUMENT NUMBER-DATE  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 100001-EI

Filed: May 5, 2010

**FLORIDA POWER & LIGHT COMPANY'S RENEWED REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION ON  
FLORIDA PUBLIC SERVICE COMMISSION FORMS 423-2,  
423-2(a) AND 423-2(b) FOR ST. JOHNS RIVER POWER PARK FOR DECEMBER 2007**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006(3), Florida Administrative Code, and Section 366.093 of the Florida Statutes, submits its Renewed Request for Confidential Classification of certain information on Florida Public Service Commission Forms 423-2, 423-2(a) and 423-2(b) for St. Johns River Power Park for December 2007 (the "Confidential Information") submitted in Docket 080001-EI, a predecessor to this docket. In support of its request, FPL states as follows:

1. On February 21, 2008, FPL requested confidential classification of the Confidential Information. See, Document No. 01353-08.
2. To date, it does not appear that the Commission has entered an order addressing FPL's February 21, 2008 request. FPL still considers the designated materials in FPL's January 16, 2008 request as confidential, and continue to require confidential treatment.
3. FPL incorporates its February 21, 2008 request, and the exhibits attached thereto, herein by reference.
4. All of the information that was the subject of FPL's February 21, 2008 Request warrants continued treatment as proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This material is intended to be and is treated by FPL as

confidential and has not been 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

5. The set of documents or materials which are the subject of FPL's February 21, 2008 request contain or consist of effective purchase prices. Such information is protected by Section 366.093(3)(d), Florida Statutes. Specifically, the documents or materials that are asserted by FPL to be proprietary confidential business information also contain or constitute contractual terms or data relating to the procurement of coal at the St. John's River Power Park (SJRPP). The data would inform other potential coal suppliers as to the price SJRPP is paying for coal. Disclosure of this information could adversely affect FPL's interests in subsequent solicitations for coal and/or in negotiating coal supply agreements. Jacksonville Electric Authority (JEA) maintains this information as confidential pursuant to Section 160.01(15)(m), Florida Statutes. Additionally, disclosure of the purchase price would enable the calculation of the total transportation charges on Form 423-2, which FPL seeks to protect. Certain of the information also includes total transportation costs, the disclosure of which would impair the efforts of JEA, acting on its own behalf and as an agent for FPL, to contract for goods and services at SJRPP on favorable terms in the future. Moreover, the service provider itself typically designates the transportation costs in the contract as confidential. JEA maintains this information confidential pursuant to section 160.01(15)(m), Florida Statutes.

6. Nothing has changed since the filing of FPL's February 21, 2008 request to render

the information state or public, such that continued confidential treatment would not be appropriate.

7. Upon a finding by the Commission that the Confidential Information remains proprietary confidential business information, the information should not be declassified for a period of at least an additional eighteen (18) month 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 the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included with this request, Florida Power & Light Company respectfully requests that its Renewed Request for Confidential Classification be granted.

Respectfully submitted,

John T. Butler, Managing Attorney  
Scott Goorland, Principal Attorney  
Ilan Kaufer, Attorney for  
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Fax: (561) 691-7135

By: 


Ilan Kaufer  
Fla. Bar No. 65394

**CERTIFICATE OF SERVICE**  
**Docket No. 100001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by hand delivery\* or U.S. Mail on the 5th day of May, 2010, to the following:

<p>Lisa Bennett, Esq.* Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <a href="mailto:LBENNETT@PSC.STATE.FL.US">LBENNETT@PSC.STATE.FL.US</a></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 <a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a> <a href="mailto:Christensen.patty@leg.state.fl.us">Christensen.patty@leg.state.fl.us</a> <a href="mailto:beck.charles@leg.state.fl.us">beck.charles@leg.state.fl.us</a></p>
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<p>Cecilia Bradley  Senior Assistant Attorney General  Office of the Attorney General  The Capitol - PL01  Tallahassee, FL 32399-1050  <a href="mailto:cecilia.bradley@myfloridalegal.com">cecilia.bradley@myfloridalegal.com</a></p>	<p>Michael Barrett  Division of Legal Services  Florida Public Service Commission  2540 Shumard Oak Blvd  Tallahassee, Florida 32399-0850  <a href="mailto:MBARRETT@PSC.STATE.FL.US">MBARRETT@PSC.STATE.FL.US</a></p>
<p>Captain Shayla L. McNeill  Attorney for the FEA  AFLOA/JACL-ULFSC  139 Barnes Drive, Suite 1  Tyndall AFB, FL 32403-5319  <a href="mailto:Shayla.mcneill@tyndall.af.mil">Shayla.mcneill@tyndall.af.mil</a></p>	

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