



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

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May 13, 2010

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COMMISSION
CLERK

VIA HAND DELIVERY

Ms. Ann Cole
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

Re: Docket No. 100009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its Request for Confidential Classification of Responses to OPC Discovery. The original includes Exhibit A through D. The seven (7) copies include Exhibits B through D only.

Exhibit A is a compact disc containing the confidential documents or confidential portions of documents. Exhibit B is a compact disc containing the non-confidential documents or non-confidential portions of documents. Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains three affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

Jessica A. Cano

COM _____
APA _____
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Enclosures
cc: Parties of Record (w/out enc.)

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 100009-EI
Filed: May 13, 2010

**FLORIDA POWER & LIGHT COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF DISCOVERY RESPONSES**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of FPL's responses to the Office of Public Counsel's ("OPC's") First Request for Production of Documents Nos. 1, 7, 9, 17(e), 19, and Second Request for Production of Documents No. 29. In support of its request, FPL states as follows:

1. On April 22, 2010, FPL provided compact discs containing the above referenced discovery responses, along with a Notice of Intent to Request Confidential Classification, in response to Staff's request. Pursuant to Rule 25-22.006(3)(a), FPL has 21 days from the date of filing its Notice of Intent to file a Request for Confidential Classification. FPL is filing this request pursuant to Rule 25-22.006(3)(a) and Rule 25-22.006(4), Florida Administrative Code.

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

- Exhibit A is a compact disc containing the confidential responses or confidential portions of responses. Exhibit B is a compact disc containing the non-confidential portions of responses. Neither Exhibit A nor Exhibit B has been edited, consistent with the provisions of Rule 25-22.006(4)(b), Florida Administrative Code. The confidential material and non-confidential material have been segregated to facilitate any public review of the non-confidential material.

DOCUMENT NUMBER-DATE

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- Exhibit C is a table identifying the specific bates stamped pages that are confidential, with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.
- Exhibit D includes the affidavits of Steve Scroggs, Bruce Beisler, and Winnie Powers in support of this request.

3. FPL submits that the 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.

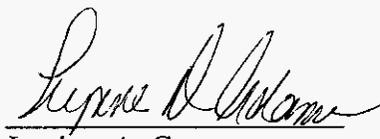
4. As the affidavits included in Exhibit D indicate, the information provided by FPL contains contractual data, the public disclosure of which would violate nondisclosure provisions of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Specifically, it includes items such as payments made to vendors and evaluations of negotiated terms. Such information is protected by Section 366.093(3)(d), Florida Statutes. This material also contains competitively sensitive information, and its disclosure could impair the business of FPL or its vendors. Specifically, documents containing competitively sensitive processes, in addition to competitively sensitive contractual information, are included. Such information is protected by Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the information included 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, FPL respectfully requests confidential classification of the material described herein.

Respectfully submitted,

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

**CERTIFICATE OF SERVICE
DOCKET NO. 100009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification (without attachments), was served by hand delivery* or U.S. Mail this 13th day of May, 2010 to the following:

Anna Williams, Esq.*
Lisa Bennett, Esq.
Keino Young, Esq.
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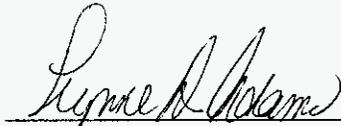
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By: 
Jessica A. Cano
Florida Bar No. 0037372



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: May 13, 2010
TO: Jessica Cano, 700 Universe Blvd. Juno Beach, FL 33408
FROM: Diamond M. Williams, Office of Commission Clerk
RE: Acknowledgement of Confidential Filing in Docket Number 100009-EI

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in the above-referenced docket.

Document Number 04066-10 has been assigned to this filing, which 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.