



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

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May 19, 2010

VIA HAND DELIVERY

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

Re: Docket No. 100077-EI; FPL's Request Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company is a Request for Confidential Classification of certain information provided in response to the Florida Public Service Commission Staff's First Request for Production of Documents, Nos. 1 through 3, and First Set of Interrogatories, Nos. 1 through 28. The original includes Exhibits A through D. The seven (7) copies include Exhibits B through D only.

Exhibit A contains a revised version of the confidential responses previously provided with FPL's Notice of Intent to Request Confidential Classification filed April 28, 2010. The Exhibit A originally filed with the April 28 Notice of Intent should be returned to FPL and replaced with the revised Exhibit A enclosed herewith. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the affidavits of Maria V. Besada and Patrick Donohoo. Also enclosed is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Word format.

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

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Enclosures

cc: Parties of record w/out attachments

an FPL Group company

Sincerely,

Ilan Kaufer

DOCUMENT NUMBER-DATE

04261 MAY 19 0

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Investigation of the appropriateness)
of the affiliate product offerings to Florida)
Power & Light customers.)
_____)

Docket No: 100077-EI

Filed: May 19, 2010

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF PORTIONS OF RESPONSES TO THE STAFF OF THE
FLORIDA PUBLIC SERVICE COMMISSION'S FIRST SET OF INTERROGATORIES
(NOS. 1-28) AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-3)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of portions of its responses to the Staff of the Florida Public Service Commission's ("Staff's") First Set of Interrogatories (Nos. 1-28) and Staff's First Request for Production of Documents (Nos. 1-3). In support of its request, FPL states as follows:

1. On April 28, 2010, FPL provided to Staff its responses to Staff's First Set of Interrogatories (Nos. 1-28) and Staff's First Request for Production of Documents (Nos. 1-3), along with a Notice of Intent to Request Confidential Classification. Pursuant to Rule 25-22.006(3)(a), FPL is given 21 days from the date of filing the Notice of Intent, or until May 19, 2010, to file a formal Request for Confidential Classification ("Request"). Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of portions of those responses.

2. Certain information contained in FPL's responses to Staff's First Set of Interrogatories Nos. 9, 10, 11, 17, 18, 19, 20, 21, 22, 25, and 26, served on April 28, 2010, is proprietary, confidential business information.

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

a. The confidential responses were previously provided with the Notice of Intent filed on April 28, 2010. Upon review, FPL determined that certain information designated confidential in the Notice of Intent (contained in FPL's responses to Interrogatory Nos. 23 and 24) should not be designated as such. Therefore, "Exhibit A" containing a revised version of the confidential responses is attached, and FPL requests the return of the confidential attachment filed with its Notice of Intent on April 28, 2010.

b. Exhibit B consists of two copies of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory basis for the claim of confidentiality and to the affiant in support of the requested classification.

d. Exhibit D includes the affidavits of Maria V. Besada and Patrick Donohoo.

4. 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 has been treated 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.

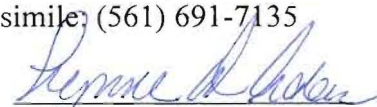
5. As the affidavits included in Exhibit D indicate, certain information provided by FPL contains contractually sensitive information. Disclosure of this information would violate

nondisclosure terms of the contracts between FPL's affiliate, FPL Energy Services ("FPLES"), and certain vendors, and would impair FPLES' ability to contract for goods or services on favorable terms in the future. Disclosure of this information would also place FPLES at a disadvantage when coupled with other information that is publicly available. Such information is protected by Section 366.093(3)(d), Florida Statutes. The materials provided by FPL also contain information the disclosure of which would impair the competitive business of FPLES and its vendor. Specifically, the information provided by FPL contains FPLES' customer counts, FPLES claim counts, and FPLES financial information. Such information is protected by Section 366.093(3)(e), Florida Statutes.

6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, it 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), Florida Statutes.

WHEREFORE, FPL respectfully requests confidential classification of portions of its responses to Staff's First Set of Interrogatories (Nos. 1-28) and Staff's First Request for Production of Documents (Nos. 1-3).

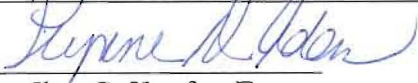
Respectfully submitted,
John T. Butler, Managing Attorney
Ilan G. Kaufer, Attorney for
Florida Power & Light Company
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Juno Beach, FL 33408
Telephone: (561) 304-5675
Facsimile: (561) 691-7135

By: 
Ilan G. Kaufer
Fla. Bar No. 65394

**CERTIFICATE OF SERVICE
DOCKET NO. 100077-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery* or U.S. Mail this 19th day of May, 2010, to the following:

Lisa Bennett, Esq.* Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 LBENNETT@PSC.STATE.FL.US	J. R. Kelly, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 Kelly.jr@leg.state.fl.us
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By 
Ilan G. Kaufer, Esq.
Fla. Bar No. 65394

State of Florida



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 19, 2010
TO: Ilan Kaufer, 700 Universe Blvd Juno Beach FL 33408
FROM: Diamond Williams, Office of Commission Clerk
RE: Acknowledgement of Confidential Filing in Docket Number 100077-EI

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

Document Number 04266-10 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.