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May 24, 2010

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**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. 011403-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Fifth Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 01-073-4-1. Also enclosed for filing are a Revised Exhibit C and Revised Exhibit D. FPL's Request for Extension of Confidential Classification and Revised Exhibit C are included on the enclosed CD in Word format.

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

Sincerely,

Ilan G. Kaufer  
 Attorney for  
 Florida Power & Light Company

COM Enclosures

APA 5 cc: parties of record, w/out exhibit

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an FPL Group company

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In the Matter of Florida Power & Light Company's )  
Request for Confidential Classification of Material )  
Provided Pursuant to Audit No. 01-073-4-1 )  
\_\_\_\_\_ )

DOCKET NO. 011403-EI  
FILED: May 24, 2010

**FLORIDA POWER & LIGHT COMPANY'S FIFTH REQUEST FOR  
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 01-073-4-1**

**NOW BEFORE THIS COMMISSION**, through the undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006 of the Florida Administrative Code and Section 366.093 of the Florida Statutes, hereby submits its Fifth Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with Audit Control No. 01-073-4-1 (the "Audit"). In support of this Fifth Request for Extension of Confidential Classification, FPL states as follows:

1. On October 29, 2001, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit. FPL's October 29, 2001 filing consisted of the Request and Exhibits A through D. FPL incorporates herein by reference Exhibits A and B from its October 29, 2001 filing. FPL's initial request was granted by Order No. PSC-01-2339-CFO-EI.

2. FPL's First and Second Requests for Extension of Confidential Classification were granted by Order No. PSC-03-0892-CFO-EI and Order No. PSC-05-0332-CFO-EI respectively. FPL's Third Request for Extension of Confidential Classification was granted by Order No. PSC-06-0980-CFO-EI.

3. FPL filed its Amended Fourth Request for Extension of Confidential Classification on July 11, 2008. FPL's Amended Fourth Request for Extension of Confidential Classification was granted by Order No. PSC-08-0776-CFO-EI, on November 24, 2008.

4. The period of confidential treatment granted by Order No. PSC-08-0776-CFO-EI will soon expire.

5. Some of the information that was the subject of FPL's initial October 29, 2001 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its Fifth Request for Extension of Confidential Classification.

6. Included herewith and made a part hereof is a Revised Exhibit C, which identifies the information FPL has determined warrants continued confidential treatment. Revised Exhibit C also reflects that Antonio Maceo has been added as an affiant in support of the continued confidential classification of the confidential documents.

7. Also included is a Revised Exhibit D, which contains Mr. Maceo's affidavit.

8. FPL submits that the information identified in Revised Exhibit C ("Confidential Information") continues to be proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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.

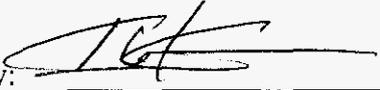
9. As the affidavit provided herewith indicates, the information that FPL asserts is proprietary and confidential business information contains or constitutes internal auditing controls and reports of internal auditors, or information relating to the same. This information is protected from public disclosure pursuant to section 366.093(3)(b), Florida Statutes.

10. Nothing has changed since the filing of FPL's July 11, 2008 request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

11. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its Fifth Request for Extension of Confidential Classification be granted.

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

By: 

Ilan G. Kaufer  
Florida Bar No. 65394

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 011403-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Fifth Request for Extension of Confidential Classification was served via hand delivery this 24th day of May, 2010 to the following (exhibits are not being served but are available upon request):

Rosanne Gervasi  
Samantha Cibula  
Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, FL, 32399-0850

By: \_\_\_\_\_



Ilan G. Kaufer  
Fla. Bar No. 65394