



Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420
Law Department

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10 AUG -2 PM 3: 58

August 2, 2010

COMMISSION
CLERK

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

CLAIM OF CONFIDENTIALITY
 NOTICE OF INTENT
 REQUEST FOR CONFIDENTIALITY
 FILED BY OPC

FOR DN 06311-10, WHICH
IS IN LOCKED STORAGE. YOU MUST BE
AUTHORIZED TO VIEW THIS DN. - CLK

Re: Docket No. 100007-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 Request for Confidential Classification of Certain Information Provided in Randall R. LaBauve's Estimated/Actual Testimony. The original includes Exhibits A through D. The copies include Exhibits C and D only.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. 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 seven affidavits in support of FPL's Request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please contact me should you or your Staff have any questions regarding this filing.

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

Sincerely,

John T. Butler

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

3+ CD forwarded containing req for CC 3
(06310-10)
Attachment C
(06313-10)
Enclosures
cc: parties of record, w/o exhibits

DOCUMENT NUMBER-DATE

06310 AUG -2 0

PPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery)
Clause)
_____)

Docket No. 100007-EI

Filed: August 2, 2010

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION PROVIDED IN
RANDALL R. LABAUVE'S ESTIMATED/ACTUAL TESTIMONY**

Pursuant to Section 366.093 of the Florida Statutes, and Rule 25-22.006, Florida Administrative Code., Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in Randall R. LaBauve's Estimated/Actual True-Up Testimony that is being filed in this docket on August 2, 2010. In support of its Request, FPL states as follows:

1. This Request is intended to request confidential classification of the Confidential Information consistent with Rule 25-22.006.
2. The following exhibits are included with this Request:
 - a. Composite Exhibit A consists of a copy of the portion of the testimony in which the confidential information has been highlighted.
 - b. Composite Exhibit B consists of two copies of the portion of the testimony in which the Confidential Information has been redacted.
 - c. Exhibit C is a table containing an identification of the Confidential Information, together with references to the specific statutory basis for the claim of confidentiality and to the affidavit in support of the requested classification.
 - d. Exhibit D is an affidavit of Randall R. LaBauve.

DOCUMENT NUMBER - DATE

06310 AUG-20

FPSC-COMMISSION CLERK

3. FPL seeks confidential protection for the highlighted information contained in Randall R. LaBauve's testimony because it reflects contract terms and pricing associated with the Scherer Unit 4 Turbine Upgrade, the disclosure of which would impair the efforts of FPL and/or Georgia Power Company ("GPC"), the operating agent for Scherer Unit 4, to contract for goods or services on favorable terms. *See* §366.093(3)(d), Fla. Stat. This information is also related to competitive interests, and its disclosure would impair the competitive business of FPL and/or GPC. *See* §366.093(3) (e), Fla. Stat.

4. FPL submits that the Confidential Information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from disclosure provisions of the public records law.


6. The Confidential Information is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

7. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within the meaning of Section 366.093(3), pursuant to Section 366.093(4) such materials should not be declassified for 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.

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Information contained in Randall R. LaBauve's Estimated/Actual Testimony.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and Chief General Counsel
John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

BY: 
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 100007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*) or United States Mail on this 2nd day of August 2010, to the following:

Martha Brown, Esq. (*)
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Florida Public Service Commission
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Tallahassee, Florida 32399-0850

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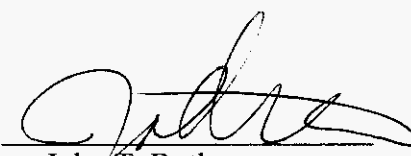
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BY: 
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State of Florida



Public Service Commission

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

John T. Butler
P.O. Box 14000
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 100007-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on August 2, 2010, in the above-referenced docket.

Document Number 06311-10 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.