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COMMISSION  
CLERK

August 24, 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

080677-EI

Re: Docket Nos. 080677-EI and 090130-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 the PricewaterhouseCoopers LLP Appraisal Report ("Appraisal Report"). The original includes Exhibits A through D.

Exhibit A consists of a copy of the Appraisal Report on which all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B consists of a page noting that the full Appraisal Report is designated confidential. Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains Kim Ousdahl's affidavit 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.

FPL is filing the Appraisal Report in compliance with the Commission's direction in Order No. PSC-10-0153-FOF-EO (page 160). Please contact me if you or your Staff have any questions regarding this filing.

- COM \_\_\_\_\_
- APA \_\_\_\_\_
- ECR 3 \_\_\_\_\_
- GCL \_\_\_\_\_
- RAD \_\_\_\_\_
- SSC \_\_\_\_\_
- ADM \_\_\_\_\_
- OPC \_\_\_\_\_
- CLK 2 \_\_\_\_\_

cc: parties of record, w/out exhibits

3 FPL containing req. and exhibit C.

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

FOR DN 07039-10, WHICH IS IN LOCKED STORAGE. YOU MUST BE AUTHORIZED TO VIEW THIS DN. - CLK

Sincerely,

Ilan G. Kaufer  
Attorney for  
Florida Power & Light Company

DOCUMENT NUMBER-DATE

37038 AUG 24 09

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by )  
Florida Power & Light Company )

Docket No. 080677-EI

In re: 2009 depreciation and dismantlement )  
study by Florida Power & Light Company )

Docket No. 090130-EI  
FILED: August 24 , 2010

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
THE PRICEWATERHOUSECOOPERS LLP APPRAISAL REPORT**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of the *Estimate of the Fair Market Value of the Seabrook NED Substation of Florida Power & Light Co. as of June 1, 2010* (the "Appraisal Report") prepared by PricewaterhouseCoopers LLP ("PwC"). In support of its request, FPL states as follows:

1. In Order PSC-10-0153-FOF-EI, the Commission directed that FPL provide the Commission with an independent appraisal as to the fair market value of the FPL NED assets.
2. In response to the Commission's direction, FPL engaged PwC to perform an independent appraisal of those assets.
3. PwC has recently concluded its appraisal and has issued the Appraisal Report. This Request is intended to request confidential classification of the Appraisal Report consistent with Rule 25-22.006(3), Florida Administrative Code.
4. The following exhibits are included with and made a part of this request:
  - a. Exhibit A includes a copy of the confidential Appraisal Report on which all information that is entitled to confidential treatment under Florida law has been highlighted.
  - b. Exhibit B consists of a page noting that the full Appraisal Report is designated confidential.

DOCUMENT NUMBER-DATE

07038 AUG 24 2010

FPSC-COMMISSION CLERK

c. Exhibit C is a table containing references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Kimberly Ousdahl attesting to the basis for confidentiality of the Appraisal Report.

5. 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 is treated by PwC and FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, Florida Statutes, 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.

6. As attested in Ms. Ousdahl's affidavit, PwC considers the contents of the Appraisal Report to be confidential and expressly forbids its access, use or distribution beyond its client (*i.e.*, FPL) and those authorized by PwC and the client. FPL is required pursuant to the Appraisal Report to seek designation of the Appraisal Report as confidential by the Commission. The Appraisal Report is entitled to confidential designation because it contains information that is competitively sensitive to PwC, and its disclosure could impair PwC's competitive interests. *See* § 366.093(3)(e), Fla. Stat.

7. Upon a finding by the Commission that the information contained in the Appraisal Report 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**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted

Respectfully submitted,

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By:



Ilan G. Kaufer  
Fla. Bar No. 0065394

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification of the PricewaterhouseCoopers LLP Appraisal Report (without exhibits) has been furnished by regular U.S. Mail or hand delivery\*, this 24th day of August, 2010, to the following:

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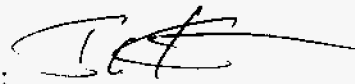
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By:



Ilan G. Kaufer  
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**EXHIBIT "A"**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

## **EXHIBIT B**

**The Full Appraisal Report is  
Designated Confidential**



State of Florida



**Public Service Commission**  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
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**Re: Acknowledgement of Confidential Filing in Docket No. 080677-EI**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on August 24, 2010, in the above-referenced docket.

Document Number 07039-10 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.