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September 1, 2010

RECEIVED FPSC
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 COMMISSION
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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

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

Re: Docket No. 100001-EI

FOR DN 07388-10, WHICH
 IS IN LOCKED STORAGE. YOU MUST BE
 AUTHORIZED TO VIEW THIS DN. - CLK

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power and Light Company's Request for Confidential Classification of certain information contained in Schedule E12 of Appendix III to the prepared testimony of FPL witness Terry J. Keith. The original includes Exhibits A through D. The copies include Exhibits C and D only.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification, with the confidential information highlighted. Exhibit A is submitted for filing separately and marked "EXHIBIT A"- CONFIDENTIAL. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's Justification table for its Request for Confidential Classification. Exhibit D contains the affidavit of Gerard Yupp in support of FPL's Request for Confidential Classification. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the highlighted information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C. The operating system is Windows XP, and the processing software is Word.

CD containing request and exhibit forwarded.
 Please contact me if you or your Staff has any questions regarding this filing.

- COM _____
- APA _____
- ECR _____
- GCL _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK *Per* _____

Enclosures
 cc: parties of record, w/o exhibits

Sincerely,

John T. Butler

7387 SEP-1 0

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)
cost recovery clause with generating)
performance incentive factor)

Docket No. 100001-EI
Filed: September 1, 2010

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CAPACITY PAYMENTS TO NON-COGENERATORS
PROVIDED IN SCHEDULE E12**

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 contained in Schedule E12 of Appendix III to the prepared testimony of FPL witness Terry J. Keith (the "Confidential Information"). In support of its Request, FPL states as follows:

1. On September 1, 2010, FPL filed the prepared testimony of FPL witness Terry J. Keith in this docket. Schedule E12 of Appendix III to the testimony contains information of a confidential nature. 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. Exhibit A consists of a highlighted copy of Schedule E12 in which all of the confidential information has been highlighted.

b. Exhibit B consists of two copies of the redacted Schedule E12 in which all of 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 bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Gerard J. Yupp in support of this request.

DOCKET NUMBER-DATE

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FPSC-COMMISSION CLERK

3. 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 FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

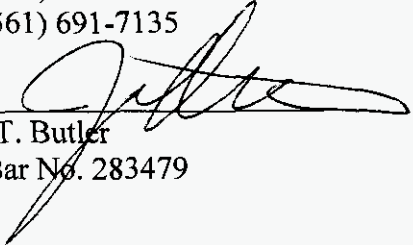
4. FPL seeks confidential protection for the highlighted information contained in Schedule E12, capacity payments to non-cogenerators, because it comprises information concerning contractual data about FPL's capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL's marketing and procurement practices and impair FPL's ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. Such information is protected by Section 366.093(3)(d), F.S. Additionally, the information contained in Schedule E12 includes data related to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses. Such information is protected by Section 366.093(3)(e), F.S.

5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within the Section 366.093(3), pursuant to Section 366.093(4) such information 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 Schedule E12.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and 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. 100001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of capacity payments to non-cogenerators information (*) has been furnished by hand delivery (**) or United States mail this 1st day of September, 2010, to the following:

Lisa Bennett, Esq.(**)
Michael Barrett, Esq.
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Florida Public Service Commission
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Captain Shayla L. McNeill
Attorney for the FEA
AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319
Shayla.mcneill@tyndall.af.mil

By: _____



John T. Butler
Fla. Bar No. 283479

* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

EXHIBIT “A”

**CONFIDENTIAL
FILED UNDER SEPARATE COVER**

EXHIBIT "C"

JUSTIFICATION TABLE

DOCUMENT NUMBER-DATE

07387 SEP-19

FPSC-COMMISSION CI EPK

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET NO.: 100001-EI
DOCKET TITLE: Levelized Fuel Cost Recovery and Capacity Cost Recovery.
SUBJECT: Schedule E12 Short Term Capacity Payments.
DATE: September 1, 2010

Description	Page No.	Conf Y/N	Line Nos.	Florida Statute 366.093(3) Subsection	Affiant
Capacity Payments Schedule E 12	2 of 2	Yes	Lines 24-27	(d),(e)	G. Yupp

DOCUMENT NUMBER-DATE
07387 SEP-1 2010
FPSC-COMMISSION CLERK

EXHIBIT “D”

AFFIDAVIT

DOCUMENT NUMBER-DATE

07387 SEP-1 9

FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost)
Recovery Clause with Generating)
Performance Incentive Factor)

Docket No. 100001-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GERARD J. YUPP

BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

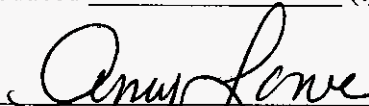
2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of capacity payments to non-cogenerators. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information comprise information concerning contractual data about FPL's capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL's marketing and procurement practices and impair FPL's ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. Additionally, the information contained in Schedule E12 includes data related to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents

4. Affiant says nothing further.


Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 31st day of August 2010, by Gerard J. Yupp, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires:



BOOK NUMBER - DATE

07387 SEP-10

FPSC-COMMISSION CLERK

State of Florida



Public Service Commission

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

John T. Butler
700 Universe Blvd
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 100001-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a **CONFIDENTIAL DOCUMENT** filed on September 1, 2010, in the above-referenced docket.

Document Number 07388-10 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.