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10 OCT 18 PM 4:08

COMMISSION  
CLERK

October 18, 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

CLAIM OF CONFIDENTIALITY  
NOTICE OF INTENT  
 REQUEST FOR CONFIDENTIALITY  
FILED BY OPC  
FOR DN 08713-10, WHICH  
IS IN LOCKED STORAGE. YOU MUST BE  
AUTHORIZED TO VIEW THIS DN. - CLK

Re: Docket 080677-EI

Dear Ms. Cole:

Enclosed please find for filing in the above-referenced docket, an original and (7) copies of FPL's Request for Confidential Classification of FPL's Provisional Electric Forecasted Earnings Surveillance Report (the "Report"). The original includes Exhibits A through D.

Exhibit A consists of a copy of the Report on which all of the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is in a separate envelope marked "Exhibit A - Confidential." The original highlighted report will be provided in a separate filing. Exhibit B consists of a page noting that the full Report is designated as confidential. Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains a copy of Robert E. J. Barrett's affidavit in support of FPL's Request for Confidential Classification. The original affidavit will be provided in a separate filing. Also enclosed is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only, in Microsoft Word format.

Please contact me if you have any questions.

Sincerely,

*John T. Butler*  
John T. Butler

COM \_\_\_\_\_  
APA 1  
ECR 2  
GCL 1  
RAD 1  
SSC 1  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK Pena

*2 + 1 CD containing request and exhibit C, also fwd.*

DOCUMENT NUMBER DATE  
08712 OCT 18 09

**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  
October 18, 2010

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of FPL's Provisional Electric Forecasted Earnings Surveillance Report ("Report"). In support of its request, FPL states as follows:

1. As a preliminary response to Rule 25-6.1353, F.A.C., FPL is filing the Report. Pursuant to Rule 25-22.006(3)(a) and Rule 25-22.006(4), Florida Administrative Code, FPL is filing this Request for Confidential Classification of the Report.

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

a. Exhibit A includes a copy of the Report, which is printed on yellow paper to indicate that the information in the Report is entitled to confidential treatment under Florida law.

b. Exhibit B states that, because the full Report is entitled to confidential treatment, providing a copy of the Report in which all confidential information has been redacted would not be meaningful.

c. Exhibit C is a table that designates the Report as confidential, refers to the specific statutory basis for the claim of confidentiality, and refers to the affidavit in support of the requested confidential classification.

d. Exhibit D is the affidavit of Robert E. J. Barrett.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3) of the 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, F.S., 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.

4. As the affidavit included in Exhibit D indicates, the information provided by FPL contains material, non-public financial forecast information, which unless kept confidential, would require disclosure to investors under United States Securities and Exchange Commission Regulation FD. Regulation FD is an issuer disclosure rule intended to avoid selective disclosure of material financial information by publicly traded companies such as FPL's parent, NextEra Energy, Inc. Since the information contained in the Report is provisional, and presents only one view of FPL's forecasted financial results for 2010, it is inappropriate to disclose this information to the investment community at the present time and such disclosure would adversely affect FPL's competitive interests in financial markets.<sup>1</sup> Such information is proprietary confidential business information under Section 366.093, including subsection (3)(e) thereof.

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<sup>1</sup> Thus, filing the Report on a non-confidential basis would raise a different, and more significant, Regulation FD issue than the filing of a final forecasted earnings surveillance report pursuant to Rule 25-6.1353, which would represent the filer's consensus view of expected financial results and would be more appropriate for disclosure to the investment community.


5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified until FPL files its final Forecasted Earnings Surveillance Report, which FPL has committed to filing within 30 days of the Commission's approval of the Stipulation and Settlement that FPL and the major intervenors filed on August 20, 2010 or, if the settlement agreement is not approved, the Commission's decision on pending motions for reconsideration. Additionally, the Report 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), F.S.

**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,

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) 304-5675  
Facsimile: (561) 691-7135

By: 

  
John T. Butler  
Fla. Bar No. 283479

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Request for Confidential Classification (without exhibits) has been furnished by hand delivery\* or U.S. Mail this 18th day of October, 2010, to the following:

Lisa Bennett, Esquire\*  
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Martha Brown, Esquire  
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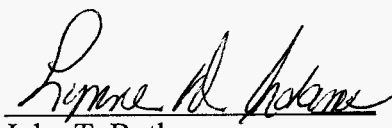
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By:   
John T. Butler  
Florida Bar No. 283479

## EXHIBIT B

The full report has been designated as  
Confidential.

## EXHIBIT B

The full report has been designated as  
Confidential.



**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.** 080677-EI and 090130-EI

<b>Description</b>	<b>No. of Pages</b>	<b>Conf. Y/N</b>	<b>Line No./Column No.</b>	<b>Statutory Basis</b>	<b>Affiant</b>
Provisional Electric Forecasted Earnings Surveillance Report	7	Y	Pg. 1-7, ALL	366.093(3), F.S., including subsection (3)(e)	R. Barrett

DOCUMENT NUMBER DATE

08712 OCT 18 9

FPSC-COMMISSION CLERK

**EXHIBIT D**  
**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

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH )

**AFFIDAVIT OF ROBERT E. J. BARRETT**


**BEFORE ME**, the undersigned authority, personally appeared Robert E. Barrett, Jr. who, being first duly sworn, deposes and says:

1. My name is Robert E. Barrett, Jr. I am currently employed by Florida Power & Light Company ("FPL") as Vice President of Finance. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the Provisional Electric Forecasted Earnings Surveillance Report (the "Report") that is included in Exhibit A to FPL's Request for Confidential Classification. The Report contains material, non-public financial forecast information, which unless kept confidential, would require disclosure to investors under United States Securities and Exchange Commission Regulation FD. Regulation FD is an issuer disclosure rule intended to avoid selective disclosure of material financial information by publicly traded companies such as FPL's parent, NextEra Energy, Inc. Since the information contained in the Report is provisional, and presents only one view of FPL's forecasted financial results for 2010, it is inappropriate to disclose this information to the investment community at the present time and such disclosure would adversely affect FPL's competitive interests in financial markets. Thus, filing the Report on a non-confidential basis would raise a different, and more significant, Regulation FD issue than the filing of a final forecasted earnings surveillance report pursuant to Rule 25-6.1353, which would represent the filer's consensus view of expected financial results and would be more appropriate for disclosure to the investment community.

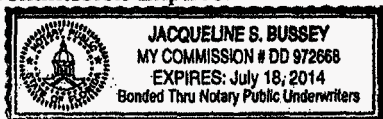
3. The document should remain confidential until FPL files its final Forecasted Earnings Surveillance Report. In addition, the document should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of the document.

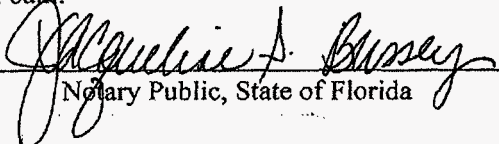
4. Affiant says nothing further.

  
Robert E. Barrett, Jr.

**SWORN TO AND SUBSCRIBED** before me this 18<sup>th</sup> day of October 2010, by Robert E. Barrett, Jr., who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

My Commission Expires:



  
Notary Public, State of Florida

DOCUMENT NUMBER-DATE

08712 OCT 18 09

FPSC-COMMISSION CLERK

State of Florida



**Public Service Commission**  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**John T. Burnett**  
700 Universe Blvd  
Juno Beach FL 33408

**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 October 18, 2010, in the above-referenced docket.

Document Number 08713-10 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.