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 OCT 28 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

___ CLAIM OF CONFIDENTIALITY
 ___ NOTICE OF INTENT
 REQUEST FOR CONFIDENTIALITY
 ___ FILED BY OPC
 FOR DN 08987-10, WHICH
 IS IN LOCKED STORAGE. YOU MUST BE
 AUTHORIZED TO VIEW THIS DN. - CLK

Re: Docket No. 100077-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 Materials Provided Pursuant to Audit No. 10-207-4-1. The original includes Exhibits A through D. The copies include Exhibits C and D only.

Exhibit A consists of the confidential documents, and all of the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted for filing separately in a sealed envelope 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 consists of a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains three affidavits 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.

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

- COM
- APA
- ECR 4 + 1 CD
- GCL
- RAD
- SSC
- ADM
- OPC
- CLK *Pena*

containing request and exhibit c. Also fwd.

Sincerely,

Ilan G. Kaufer
 Attorney for
 Florida Power & Light Company

Enclosures
 cc: parties of record, w/out exhibits

DOCUMENT # 100077-EI

08986 OCT 28 2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of the appropriateness)
of the affiliate product offerings to)
Florida Power & Light customers)

Docket No. 100077-EI
Filed: October 28, 2010

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 10-207-4-1**

Pursuant to Section 366.093, Florida Statutes ("F.S."), and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") requests confidential classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 10-207-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. During the Audit, Staff was provided with various confidential audit work papers. By letter dated October 7, 2010, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), F.A.C., FPL is filing this Request for Confidential Classification.

2. The following exhibits are included with and made a part of this request:
a. Exhibit A includes a copy the confidential documents on which all information that is entitled to confidential treatment under Florida law has been highlighted.

b. Exhibit B consists of a copy of the confidential documents on which all information that is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing the specific line and page references to the confidential materials for which confidential treatment is sought, and 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 includes the affidavits of Maria V. Besada, Kenneth Getchell, and Gary A. McBean.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. 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 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 affidavits included in Exhibit D indicate, the information provided by FPL contains or constitutes internal controls, security measures, systems and procedures. Certain of the materials also include employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. Specifically, the information provided by FPL includes documents that discuss the processes and treatment of non-public customer information, and agreements between the company and employees regarding the treatment of such confidential information. The information provided by FPL also includes certain employees' cell phone numbers, which FPL maintains confidential to protect the personal security of these employees given the unique nature of their job responsibilities as customer service field collectors. Such information is protected by Section 366.093(3)(c) and Section 366.093(3)(f), Florida Statutes. *See* Order No. PSC-06-0949-FOF-EI, issued November 13, 2006, in Docket No. 060001-EI (Granting confidential classification for employee cell phone numbers); *See also* Order No. PSC-

07-0117-CFO-TL, issued February 7, 2007 in Docket No. 060763-TL (Granting confidential classification for cell phone number).

5. The information provided by FPL also contains or constitutes information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the documents or materials contain specific and detailed cost data, the disclosure of which would give FPLES' competitors' an unfair advantage in the marketplace. The materials also contain or constitute customer-specific account information, which if disclosed would impair FPL's competitive interests or those of its vendors. It is FPL's corporate policy not to disclose customer-specific information absent the customer's consent. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. Such information is protected by Section 366.093(3)(e), F.S.

6. The materials also contain competitively sensitive information related to certain employees' compensation. Certain of the materials also include employee names, which when coupled with information that is being publicly disclosed in this filing, would directly result in the public disclosure of those employees' compensation information. Public disclosure of compensation information would enable competing employers to attempt to meet or beat the compensation offered by FPL, resulting in the loss of talented employees, or conversely, the need to increase the level of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost of service implications would be detrimental to FPL and its customers. Such information is protected by Section 366.093(3)(e),

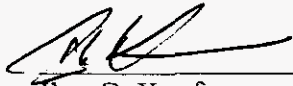
F.S. *See also* Florida Power & Light Company v. Florida Public Service Commission, 31 So. 2d 860 (Fla. 1st DCA 2010).

7. 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 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), 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,

John T. Butler, Esq.
Managing Attorney
Ilan G. Kaufer, Esq.
Attorney for
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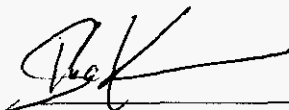
By: 
Ilan G. Kaufer
Fla. Bar No. 0065394

**CERTIFICATE OF SERVICE
DOCKET NO. 100077-EI**

I HEREBY CERTIFY that a true and correct copy of this Request for Confidential Classification was served via hand delivery* or by U.S. Mail this 28th day of October, 2010, to the following:

<p>Lisa Bennett, Esq.* Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 LBENNETT@PSC.STATE.FL.US</p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 Kelly.jr@leg.state.fl.us Christensen.patty@leg.state.fl.us beck.charles@leg.state.fl.us</p>
<p>Robert Scheffel Wright/John T. LaVia, 225 South Adams Street, Suite 200 Tallahassee, FL 32301 swright@yvlaw.net</p>	

By:



Ilan G. Kaufer
Fla. Bar. No. 0065394

State of Florida



Public Service Commission

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

Ilan G. Kaufer
700 Universe Blvd.
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 100077-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on October 28, 2010, in the above-referenced docket.

Document Number 08987-10 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.