



Public Service Commission

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

RECEIVED-FPSC

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-M-E-M-O-R-A-N-D-U-M- COMMISSION CLERK

DATE: November 3, 2010  
TO: Lisa Bennett, Office of the General Counsel  
FROM: John Slemkewicz, Division of Economic Regulation JS  
RE: Florida Power & Light Company - Docket No. 080677-EI – Confidentiality Request – Document Nos. 08713-10 and 08743-10

Florida Power & Light Company (FPL) has requested that its 2010 Forecasted Earnings Surveillance Report (FESR) be kept confidential. FPL cites the provisional nature of the FESR pending the Commission's final determination on either the Motions for Reconsideration or the proposed Stipulation in its rate case in Docket No. 080677-EI.<sup>1</sup>

FPL requests confidentiality under Subsection 366.093(3)(e), Florida Statutes (F.S.), which states:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

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<sup>1</sup>Docket No. 080677-EI, In re: Petition for rate increase by Florida Power & Light Company.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

(f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Staff has reviewed FPL's confidentiality request. In staff's opinion, the request does meet the criteria for confidentiality contained in Subsection 366.093(3)(e), F.S. Therefore, staff recommends that the request for confidentiality of certain information included in Document Nos. 08713-10 and 08743-10 be approved.

It should be noted that Document Nos. 08713-10 and 08743-10 appear to be identical in all respects except one. Schedule 5 of Document No. 08743-10 includes the preparer's signature whereas Schedule 5 of Document No. 08713-10 is not signed.

cc: Cheryl Bulecza-Banks  
Andrew Maurey  
Shari Cornelius  
Karla Barnes  
Office of Commission Clerk



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: 10/18/2010

TO: Division of Economic Regulation, Officer of Primary Responsibility

FROM: Office of Commission Clerk

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

Docket No(s): 080677-EI Document No(s): 08713-10

Description: FPL (Butler) - (CONFIDENTIAL) provisional electric forecasted earnings surveillance report.

Source: Florida Power & Light Company

The above-referenced confidential material was filed along with a **request for confidential classification**. Please check all applicable information and forward a copy to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation. Copies of your recommendation should also be filed with the Office of Commission Clerk and the Office of General Counsel.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
  - (a) Trade secrets;
  - (b) Internal auditing controls and reports of internal auditors;
  - (c) Security measures, systems, or procedures;
  - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;
  - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
  - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by JOHN SLEMKEWICZ Date: 11-3-10



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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** 10/18/2010  
**TO:** Division of Economic Regulation, Officer of Primary Responsibility  
**FROM:** Office of Commission Clerk  
**RE:** CONFIDENTIALITY OF CERTAIN INFORMATION  
Docket No(s): 080677-EI Document No(s): 08743-10  
Description: FPL (Butler) - (CONFIDENTIAL) Exhibit A to provisional electric forecasted earnings surveillance report [DN 08713-10].  
Source: Florida Power & Light Company

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 The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.  
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 The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by JOHN SLEMKEWICZ Date: 11-3-10