



John T. Butler
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 Florida Power & Light Company
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November 17, 2010

VIA HAND DELIVERY

Ms. Ann Cole, Director
 Division of the Commission Clerk and
 Administrative Services
 Florida Public Service Commission
 Betty Easley Conference Center, Room 110
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850

RECEIVED
 NOV 17 11:10 AM '10
 COMMUNICATIONS SECTION

Re: Florida Power & Light Company's Request for Confidential Classification of Certain Material Provided in Connection with Schedule A12 - Capacity Costs Docket No. 100001-EI

Dear Ms. Cole:

I am enclosing for filing in the above-referenced matter, an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A - CONFIDENTIAL". Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please feel free to contact me should you or your Staff have any questions regarding this filing.

COM _____
 APA 1
 ECR 3 + CD (CD contains request & Exh. C only) / TB/jsb
 GCL 1 Enclosures
 RAD 1 cc: Service List (w/out attachments)
 SSC _____
 ADM _____
 OPC _____
 CLK Peña

Sincerely

John T. Butler

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

For DN09470-10, which is in locked storage. You must be authorized to view this DN.-CLK

DOCUMENT NUMBER-DATE

09470 NOV 17 2010

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)
_____)

DOCKET NO. 100001-EI
FILED: November 17, 2010

REQUEST FOR CONFIDENTIAL CLASSIFICATION

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission ("FPSC" or "Commission") Schedule A12, Capacity Costs for the month of October 2010 submitted in Docket No. 100001-EI. In support of its Request, FPL states as follows:

1. Petitioner's principal business address is as follows:

Florida Power & Light Company
P.O. Box 029100
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

R. Wade Litchfield
Vice President and General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7101
(561) 691-7135 Fax

John T. Butler
Managing Attorney
Regulatory Affairs
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
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(561) 691-7135 Fax

DOCUMENT NUMBER-DATE

09470 NOV 17 09

FPSC-COMMISSION CLERK

2. The following attachments are included herewith and made a part hereof:
 - a. Attachment A includes the complete and unedited version of FPL's Schedule A12, Capacity Costs, which contains certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "**CONFIDENTIAL.**"
 - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been blocked out in Attachment B.
 - c. Attachment C identifies information for which confidential treatment is sought and, with regard to the type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.


3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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. The statutory bases and support for FPL's assertion of confidentiality with regard to the types of information is set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for eighteen (18) months, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,



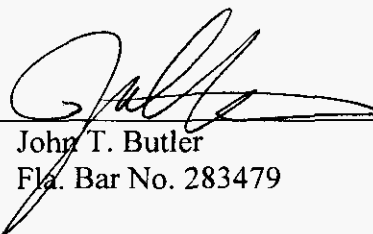
JOHN T. BUTLER
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CERTIFICATE OF SERVICE

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of Florida Power & Light Company's Request for Confidential Classification has been served via first class mail, postage prepaid to the parties listed below, this 17th day of November, 2010:

<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>James D. Beasley, Esq J. Jeffrey Wahlen, Esq. Ausley & McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 jbeasley@ausley.com jwahlen@ausley.com</p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 john.burnett@pgnmail.com</p>
<p>John W. McWhirter, Jr., Esq McWhirter & Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 jmcwhirter@mac-law.com</p>	<p>Beth Keating, Esq. Gunster Firm Attorneys for FPUC 215 So. Monroe St., Suite 618 Tallahassee, Florida 32301- 1804 bkeating@gunster.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power 501 Commendancia Street Pensacola, FL 32502 jas@beggslane.com rab@beggslane.com</p>	<p>James W. Brew, Esq Attorney for White Springs Brickfield, Burchette, Ritts & Stone, The P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 jbrew@bbrslaw.com</p>

<p>Robert Scheffel Wright, Esq Jay T. LaVia, III, Esq Young van Assenderp, P.A Attorneys for Florida Retail Federation and City of Marianna 225 South Adams Street, Suite 200 Tallahassee, FL 32301 swright@yvlaw.net jlavia@yvlaw.net</p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq. Keefe, Anchors Gordon & Moyle, P.A. 118 N. Gadsden St. Tallahassee, FL 32301 Co-Counsel for FIPUG vkaufman@kagmlaw.com jmoyle@kagmlaw.com</p>
<p>Cecilia Bradley, Esq. Senior Assistant Attorney General Office of the Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050 cecilia.bradley@myfloridalegal.com</p>	<p>Michael Barrett Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 MBARRETT@PSC.STATE.FL.US</p>
<p>Karen S. White, Civ USAF Allan Jungels, Capt, USAF Utility Litigation & Negotiation Team Staff Attorney AFLOA/JACL-ULT/FLOA/JACL-ULT 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5317 Attorneys for the Federal Executive Agencies Karen.White@tyndall.af.mil Allan.Jungels@tyndall.af.mil</p>	<p>Patrick K. Wiggins, Esq. Attorneys for AFFIRM P.O. Drawer 1657 Tallahassee, FL 32302 wigglaw@gmail.com</p>

By: 
John T. Butler
Fla. Bar No. 283479

ATTACHMENT “A”

**FPL’S SCHEDULE A12
CAPACITY COSTS**

**CONFIDENTIAL
FILED UNDER SEPARATE COVER**

ATTACHMENT "B"

EDITED VERSION FPL'S SCHEDULE A12 CAPACITY COSTS

DOCUMENT NUMBER-DATE

09470 NOV 17 2003

FPSC-COMMISSION CLERK

EDITED COPY

For the Month of **Oct-10**

<u>Contract</u>	<u>Counterparty</u>	<u>Identification</u>	<u>Contract Start Date</u>	<u>Contract End Date</u>
1	Oleander Power Project L.P.	Other Entity	June 1, 2002	May 31, 2012
2	Southern Co. - UPS Scherer	Other Entity	June, 2010	December 31, 2015
3	Southern Co. - UPS Harris	Other Entity	June, 2010	December 31, 2015
4	Southern Co. - UPS Franklin	Other Entity	June, 2010	December 31, 2015

2010 Capacity in MW

<u>Contract</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
1	155	155	155	155	155	155	155	155	155	155	-	-
2	-	-	-	-	-	163	163	163	163	163	-	-
3	-	-	-	-	-	600	600	600	600	600	-	-
4	-	-	-	-	-	190	190	190	190	190	-	-
Total	155	155	155	155	155	1,108	1,108	1,108	1,108	1,108	-	-

2010 Capacity in Dollars

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
Total											-	-

Year-to-date Short Term Capacity Payments	44,326,246
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DOCUMENT NUMBER-DATE

09470 NOV 17 0

FPSC-COMMISSION CLERK

ATTACHMENT C
Docket No. 100001-EI

**Justification for Confidentiality for Florida Power & Light Company Schedule A12
Capacity Costs of October 2010:**

The information contained in Attachment A, line 15 concerns contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Section 366.093(3)(d), F.S. Specifically, the information relates to the pricing for a short-term capacity purchase the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Additionally, said information relates to competitive interests of FPL and of the supplier from whom FPL purchases capacity, the disclosure of which would impair FPL's and /or supplier's competitive businesses. Section 366.093(3)(e), F.S.

Note: Previously, FPL had contracted with multiple capacity suppliers and reported aggregate information on line 15 that did not disclose the terms of any one capacity purchase. For the months of January through May, 2010, however, FPL purchased from only one capacity supplier, so the information on line 15 tied directly to the terms of the purchase for those months. In June 2010, FPL began purchasing from additional capacity suppliers. Thus, standing alone, the information for the months of June and thereafter would not need to be confidential. However, by comparing that information with the information on line 16, one would be able to infer the specific price for the capacity purchase under Contract 1 (line 8). Accordingly, for the remainder of 2010, the monthly information on line 15 will need to be designated as confidential but FPL will not have to designate it as confidential starting in 2011.

DOCUMENT NUMBER-DATE

09470 NOV 17 0

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State of Florida



Public Service Commission

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

JOHN T BUTLER
FPL
700 UNIVERSE BLVD
JUNO BEACH FL 33408-0420

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 DOCUMENTS filed on 11/17/10 in the above-referenced docket.

Document Number 09471-10 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.