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November 24, 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 / e Mensura  
 filed by OPC

Re: Docket No. 080677-EI and Docket No. 090130-EI

For DN 02322-09, which  
is in locked storage. You must be  
authorized to view this DN.-CLK

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification of certain portions of Minimum Filing Requirements ("MFRs") D-2 and F-4, which were submitted with FPL's Petition for Rate Increase in this docket. The original includes Revised Exhibit C and Revised Exhibit D.

Revised Exhibit C consists of FPL's justification for its Request for Extension of Confidential Classification. Revised Exhibit D contains two affidavits in support of FPL's First Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification and Revised Exhibit C only, in Microsoft Word format.

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

- COM \_\_\_\_\_
- APA 1
- ECR 3
- GCL 1
- RAD 1
- SSC 1
- ADM \_\_\_\_\_
- OPC \_\_\_\_\_
- CLK \_\_\_\_\_

*CD containing request, and exhibit C also fwd.*

Sincerely,

Ilan G. Kaufer  
Attorney for  
Florida Power & Light Company

Enclosures  
cc: Counsel of parties of record, w/out exhibits

DOCUMENT NUMBER: DATE  
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FPSC-COMMISSION CLERK

**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  
FILED: November 24, 2010

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR  
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF MFRs D-2 AND F-4**

**NOW BEFORE THIS COMMISSION**, through the undersigned counsel, Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, Florida Administrative Code and section 366.093, Florida Statutes, hereby submits its First Request for Extension of Confidential Classification of certain portions of Minimum Filing Requirements ("MFRs") D-2 and F-4, which were filed in connection with FPL's Petition for Rate Increase in this docket. In support of this First Request for Extension of Confidential Classification, FPL states as follows:

1. On March 18, 2009, FPL filed its Request for Confidential Classification of MFRs D-2 and F-4, along with Exhibits A through D ("March 18, 2009 Request"). FPL adopts and incorporates by reference its March 18, 2009 Request and Exhibits.

2. By Order No. PSC-09-0378-CFO-EI, dated May 28, 2009, the Commission granted FPL's March 18, 2009 Request.

3. The period of confidential treatment granted by Order No. PSC-09-0378-CFO-EI will soon expire. All of the information that was the subject of FPL's March 18, 2009 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits this First Request for Extension of Confidential Classification.

4. Included herewith and made a part hereof is a Revised Exhibit C and Revised Exhibit D. Revised Exhibit C consists of a table containing the specific line and page references

to the confidential materials for which confidential treatment is sought. The table also contains references to the specific statutory basis or bases for the claim of confidentiality, and to the affidavit in support of the requested classification. Revised Exhibit D contains the affidavits of Solomon L. Stamm and Robert E. Barrett in support of this request.

5. FPL submits that the information identified in Revised Exhibit C (“Confidential Information”) continues to be proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to section 366.093, Florida Statutes, such materials are entitled to confidential treatment and are exempt from section 119.07(1), Florida Statutes. 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.

6. As the affidavits included in Revised Exhibit D indicate, the information contained in the MFRs contains or constitutes information about the capital structure of affiliated and consolidated companies. If publicly disclosed, this information would harm the competitive interests of the provider of the information and would trigger Securities and Exchange Commission reporting obligations. Such information is protected by section 366.093(3)(e), Florida Statutes. Additionally, the information in MFR F-4 consists of security measures, systems, or procedures. Such information is protected by section 366.093(3)(c), Florida Statutes.

7. Nothing has occurred since the issuance of Order No. PSC-09-0378-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate.

8. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: 

Ilan G. Kaufer  
Florida Bar No. 65394

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Request for Confidential Classification (without exhibits) was served via hand delivery\* and/or by U.S. mail this 24<sup>th</sup> day of November, 2010 to the following:

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