



Florida Power & Light Company, 215 S. Monroe Street, Suite 810, Tallahassee, FL 32301

Ilan Kaufer
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RECEIVED-PPSC

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COMMISSION
CLERK

January 6, 2011

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/ *ext*
 filed by OPC

For DN 03853-08, which (03097-08)
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110001-EI

Dear Ms. Cole:

On January 4, 2011, the Commission notified FPL that it intended to retain Document No. 03097-08, which was filed with FPL's April 18, 2008 Notice of Intent. Order No. PSC-09-0488-CFO-EI protects the confidentiality of Document No. 03097-08.

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 information provided in connection with Staff's April 4, 2008 Data Requests (Nos. 1 and 2). The original includes Revised Exhibit D.

Revised Exhibit D contains a copy of one affidavit in support of FPL's First Request for Extension of Confidential Classification. The original affidavit will be provided under separate cover at a later date. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification only, in Microsoft Word format.

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

Sincerely,

for

Ilan G. Kaufer
Attorney for
Florida Power & Light Company

COM _____
APA _____
ECR 3 *files containing request*
GCL _____
RAD _____ Enclosures
SSC _____ cc: Counsel of parties of record, w/out exhibits
ADM _____
OPC _____
CLK _____
an FPL Group company

DOCUMENT NUMBER - DATE

00127 JAN-6 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 110001-EI
Filed: January 6, 2011

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF RESPONSES TO STAFF'S APRIL 4, 2008 DATA REQUESTS (NOS. 1 and 2)**

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 information provided in connection with Staff's April 4, 2008 data requests (Nos. 1 and 2), which were filed in Docket 080001-EI, a predecessor to this docket. In support of this First Request for Extension of Confidential Classification, FPL states as follows:

1. On April 18, 2008, FPL filed its Notice of Intent to seek Confidential Classification of responses to Staff's April 4, 2008 Data Requests, and contemporaneously made the responses available to Staff.¹ On May 8, 2008 FPL filed its Request for Confidential Classification of Responses to Staff's April 4, 2008 Data Requests, along with Exhibits A through D. Exhibit A consisted of a copy of FPL's responses to Staff's April 4, 2008 Data Requests.² FPL adopts and incorporates by reference its May 8, 2008 Request and Exhibits.

2. By Order No. PSC-09-0488-CFO-EI, dated July 6, 2009, the Commission granted FPL's May 8, 2008 Request.

¹ The responses were marked by the Commission Clerk as Commission Document No. 03097-08.

² Exhibit A was marked by the Commission Clerk as Commission Document No. 03853-08

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FPSC-COMMISSION CLERK

3. On January 4, 2011, the Commission notified FPL that it intended to retain Document No. 03097-08, which was filed with the April 18, 2008 Notice of Intent. Order No. PSC-09-0488-CFO-EI protects the confidentiality of Document No. 03097-08.

4. The period of confidential treatment granted by Order No. PSC-09-0488-CFO-EI will soon expire. All of the information that was the subject of FPL's April 18, 2008 Notice of Intent and May 8, 2008 Request, including Document No. 03097-08, warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification of the information provided in connection with Staff's April 4, 2008 Data Requests.

5. Included herewith and made a part hereof is a Revised Exhibit D. Revised Exhibit D contains the affidavit of Gerard J. Yupp in support of this request. Revised Exhibit D is intended to replace Exhibit D, which was filed with FPL's May 8, 2008 Request.

6. FPL submits that the information identified in 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 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.

7. As the affidavit included in Exhibit D indicates, the Confidential Information contains or constitutes trade secrets of FPL. Specifically, the documents or materials contain data pertinent to FPL's procurement activities and hedging program, which allow FPL to hedge its fuel purchases on favorable terms for FPL and its customers. The disclosure of this trade secret information would provide other market participants with insight into FPL's marketing and trading practices, and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. Such information is protected by Section 366.093(3)(a), F.S.

8. Nothing has changed since the filing of FPL's May 8, 2008 request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

9. 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,

John T. Butler, Managing Attorney
Scott A. Goorland, Principal Attorney
Ilan G. Kaufer, Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5675
Facsimile: (561) 691-7135

By: 
for Ilan G. Kaufer
Florida Bar No. 65394

CERTIFICATE OF SERVICE
DOCKET NO. 110001-EI

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 6th day of January, 2010 to the following:

| | |
|---|---|
| <p>Erik Sayler, Esq.* Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 esayler@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 Commendencia 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> |

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|--|---|
| <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> |

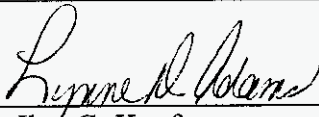
By: 
Ilan G. Kaufer
Fla. Bar No. 65394

EXHIBIT D

DOCUMENT NUMBER DATE

00127 JAN-6 =

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**REVISED EXHIBIT D
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 110001-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF GERARD J. YUPP

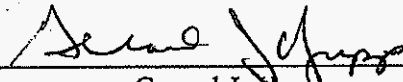
BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of Responses to Staff's April 4, 2008 Data Requests (Nos. 1 and 2). The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain or constitute data pertinent to FPL's procurement activities and hedging program. The documents contain or constitute trade secrets of FPL, which allow FPL to hedge its fuel purchases on favorable terms for FPL and its customers. The disclosure of this trade secret information would provide other market participants insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions, and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred to render the information stale or public such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least eighteen (18) months. These materials 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 these documents.

4. Affiant says nothing further.



Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 14th day of December 2010, by Gerard J. Yupp, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



Notary Public, State of Florida



DOCUMENT NUMBER-DATE

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