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Florida Power & Light Company
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RECEIVED-FPSC

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COMMISSION
CLERK

February 10, 2011

VIA HAND DELIVERY

Ms. Ann Cole
Division of the Commission Clerk and
Administrative Services
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 extension
 filed by OPC

For DN 00981-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its First Request for Extension of Confidential Classification regarding confidential information included in the pre-filed exhibits and testimony of FPL witnesses filed May 1, 2009 in Docket No. 090009-EI, including Revised Exhibit C and Revised Exhibit D. Also enclosed are one copy of Revised Exhibit A and two copies of Revised Exhibit B.

Revised Exhibit A consists of the confidential material, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Revised Exhibit B is an edited version of Revised Exhibit A, in which the information FPL asserts is confidential has been redacted. Revised Exhibit C consists of FPL's justification for its First Request for Extension of Confidential Classification. Revised Exhibit D contains three affidavits in support of FPL's Request. 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.
request and exhibit c.

Sincerely,

for Jessica A. Cano

Enclosures
cc: Parties of Record (w/out enc.)

- COM _____
- APA _____
- ECR 3 _____
- GCL _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 110009-EI
Filed: February 10, 2011

**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF MAY 2009 EXHIBITS AND TESTIMONY**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests continued confidential classification of portions of the exhibits and testimony filed on May 1, 2009 in Docket No. 090009-EI. In support of its request, FPL states as follows:

1. On May 1, 2009, FPL requested confidential classification of portions of Exhibits SDS-1, RSK-1 and the testimony of John Reed. FPL's May 1, 2009 request and exhibits A through D are incorporated herein by reference. On August 20, 2009, the Florida Public Service Commission ("Commission") granted FPL's request. *In re: Nuclear Cost Recovery Clause*, Docket No. 090009-EI, Order No. PSC-09-0567-CFO-EI.

2. The period of confidential treatment granted by Order No. PSC-09-0567-CFO-EI will soon expire. Some of the information that was the subject of Order No. PSC-09-0567-CFO-EI 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. Included herewith are a Revised Exhibit A, Revised Exhibit B, Revised Exhibit C and Revised Exhibit D.

3. Revised Exhibit A is the confidential copy of the exhibits and testimony, with the confidential portions highlighted. Revised Exhibit B is a redacted copy of the exhibits and testimony, with the confidential portions blacked out. Revised Exhibit C is a table identifying

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FPSC-COMMISSION CLERK

the specific page and line or column numbers that are confidential, with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification. Items denoted in bold on Revised Exhibit C reflect a change (i.e., a reduction to the amount of information for which confidential treatment is sought) to FPL's May 1, 2009 request. Revised Exhibit D contains the affidavits of Antonio Maceo, Bruce Beisler, and Kelly Shaw in support of this request.

4. The information identified in FPL's Revised Exhibit C continues to be proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. Section 366.093, Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that disclosure of the information would cause harm to the company's business operations or its customers, and has not been disclosed publicly. 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, such information is entitled to confidential treatment and it 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

5. As the affidavits included in Revised Exhibit D indicate, certain information included in FPL's May 1, 2009 exhibits and testimony contains or constitutes internal auditing controls or reports of internal auditors. This information is protected from public disclosure pursuant to Section 366.093(3)(b), Florida Statutes. These documents also include bids and contractual vendor data, such as pricing and other terms, the public disclosure of which would

violate non-disclosure provisions of FPL's contracts and impair the efforts of FPL to contract for goods and services on favorable terms in the future. This information is protected from public disclosure pursuant to Section 366.093(3)(d), Florida Statutes.

6. Nothing has changed since the issuance of Order No. PSC-09-0567-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate.

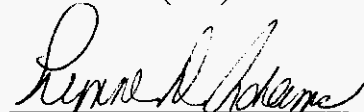
7. Upon a finding by the Commission that the information described herein and identified on Revised Exhibit C is proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as 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,

Jessica A. Cano
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5675
Facsimile: (561) 691-7135

By:
for



Jessica A. Cano
Fla. Bar. No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 110009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's First Request for Extension of Confidential Classification (without exhibits) was served by U.S. Mail this 10th day of February, 2011 to the following:

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Lisa Bennett, Esq.
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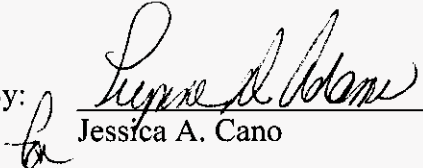
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Attorneys for SACE

By: 
Jessica A. Cano

REVISED EXHIBIT C

DOCUMENT # 00980
00980 FEB 10 =
FPSC-COMMISSION CLEA

Revised Exhibit C

Company: Florida Power and Light Company

Title: List of Confidential Documents

***Bold denotes revisions**

Docket No.: 110009-EI

Document	Description	No. of Pages	Conf. Y/N	Bate Numbers	Florida Statute 366.093 (3) Subsection	Affiant
1	Direct Testimony of John J. Reed, Concentric Energy Advisors	2	Y	Page 1 Lines 10-15 Page 2 Lines 15-19	(b)	Antonio Maceo
2	Exhibit JJR-1, FPL's Internal Controls Review	4	Y	Page 1 Lines 1-3, 5-10, 13-32 Page 2 Lines 1-9 Page 3 Lines 1-5 Page 4 Lines 1-3	(b)	Antonio Maceo
3	Schedule AE-8: Preconstruction Costs and Carrying Costs on Construction Cost Balance, Contracts Executed, New Nuclear	1	Y	Page 1 Columns 6-9	(d)	Kelly Shaw
4	Schedule AE-8A: Preconstruction Costs and Carrying Costs on Construction Cost Balance, Contracts Executed Details, New Nuclear	11	Y	Pages 1-11 Line 8	(d)	Kelly Shaw
5	Schedule P-8: Preconstruction Costs and Carrying Costs on Construction Cost Balance, Contracts Executed, New Nuclear	1	Y	Page 1 Columns 6-9	(d)	Kelly Shaw
6	Schedule P-8A: Construction Costs	6	Y	Pages 1-6 Line 8	(d)	Kelly Shaw

Document	Description	No. of Pages	Conf. Y/N	Bate Numbers	Florida Statute 366.093 (3) Subsection	Affiant
	and Carrying Costs on Construction Cost Balance, Contracts Executed Details, New Nuclear					
7	Schedule AE-8: Construction Costs and Carrying Costs on Construction Cost Balance, Contracts Executed, Uprate Project	2	Y	Pages 1-2 Columns 6-9	(d)	Bruce Beisler
8	Schedule AE-8A: Construction Costs and Carrying Costs on Construction Cost Balance, Contracts Executed Details, Uprate Project	23	Y	Pages 1-23 Line 8	(d)	Bruce Beisler
9	Schedule P-8: Construction Costs and Carrying Costs on Construction Cost Balance, Contracts Executed, Uprate Project	2	Y	Pages 1-2 Columns 6-9	(d)	Bruce Beisler
10	Schedule P-8A: Construction Costs and Carrying Costs on Construction Cost Balance, Contracts Executed Details, Uprate Project	20	Y	Pages 1-20 Line 8	(d)	Bruce Beisler

REVISED EXHIBIT D

DOCUMENT NUMBER: 00980
DATE: FEB 10 =
FPSC-COMMISSION: CLEP

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 110009-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF ANTONIO MACEO

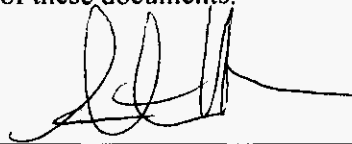
BEFORE ME, the undersigned authority, personally appeared Antonio Maceo who, being first duly sworn, deposes and says:

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Auditing. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Revised Exhibit C and the documents that are included in FPL's Request for Extension of Confidential Classification concerning information provided with its Petition for Approval of Nuclear Power Plant Cost Recovery Amount for the Period January - December 2010, for which I am identified on Revised Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information pertaining to internal auditing controls and reports of internal auditors. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

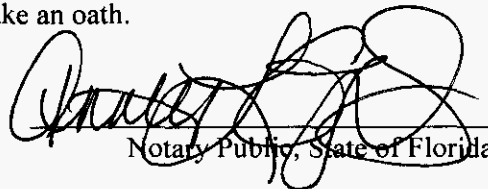
3. No significant changes have occurred since the issuance of Order No. PSC-09-0567-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen 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.

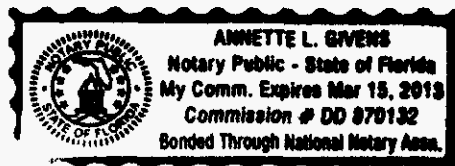


Antonio Maceo

SWORN TO AND SUBSCRIBED before me this 7 day of February 2011 by Antonio Maceo, 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

My Commission Expires:



2011 FEB 10 11:00 AM

00980 FEB 10 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 110009-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF KELLY SHAW


BEFORE ME, the undersigned authority, personally appeared Kelly Shaw who, being first duly sworn, deposes and says:

1. My name is Kelly Shaw. I am currently employed by Florida Power & Light Company ("FPL") as the Director of Sourcing – New Nuclear. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Revised Exhibit C and the documents that are included in FPL's Request for Extension of Confidential Classification concerning information provided with its Petition for approval of Nuclear Power Plant Cost Recovery Amount for the Period January - December 2010, for which I am identified on Revised Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or other contractual data. Disclosure of this information would violate FPL's contracts with its vendors and impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

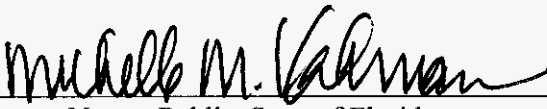
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4. Affiant says nothing further.



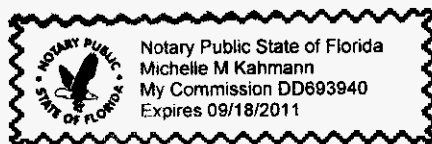
Kelly Shaw

SWORN TO AND SUBSCRIBED before me this 7th day of February 2011 by Kelly Shaw, 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

My Commission Expires:



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 110009-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF BRUCE BEISLER

BEFORE ME, the undersigned authority, personally appeared Bruce Beisler who, being first duly sworn, deposes and says:

1. My name is Bruce Beisler. I am currently employed by Florida Power & Light Company ("FPL") as Project Manager, Nuclear. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Revised Exhibit C and the documents that are included in FPL's Request for Extension of Confidential Classification concerning information provided with the Petition for Approval of Nuclear Power Plant Cost Recovery Amount for the Period January - December 2010, for which I am identified on Revised Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or other contractual data related to specific vendors. Disclosure of this information would violate FPL's contract with its vendors and impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

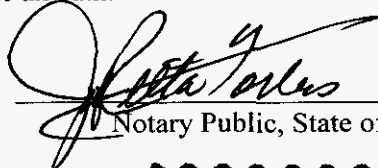
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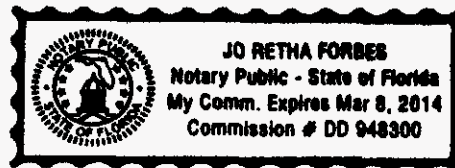
Bruce Beisler

SWORN TO AND SUBSCRIBED before me this 8th day of February 2011 by Bruce Beisler, 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

My Commission Expires:



State of Florida



Public Service Commission

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

Jessica Cano
700 Universe Blvd.
Juno Beach FL 33408

Re: Acknowledgement of Confidential Filing in Docket No. 110009-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on February 10, 2011, in the above-referenced docket.

Document Number 00981-11 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.