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11 MAR 17 PM 4:03

COMMISSION
 CLERK

March 17, 2011

-VIA HAND DELIVERY -

Ms. Ann Cole, Director
 Division of the Commission Clerk and Administrative Services
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

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

For DN 01803-11, which
 is in locked storage. You must be
 authorized to view this DN.-CLK

Re: Docket No. 110007-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's First Set of Interrogatories No.3. The original includes Exhibit A through D.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "EXHIBIT A"- **CONFIDENTIAL**. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's Justification table for its Request for Confidential Classification. Exhibit D contains the affidavit of J.L. Martinez in support of FPL's Request for Confidential Classification. In accordance with Rule 25.22.006(3)(d), FPL requests confidential treatment of information in EXHIBIT A pending disposition of FPL's Request for Confidential Classification.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C. The operating system is windows XP, and the processing software

1 is word.
3 + 1 CD containing request & Exhibit C.

Please contact me if you have any questions regarding this filing

Sincerely,

Scott A. Goorland

Enclosure
 cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

01802 MAR 17 =

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost)
Recovery Clause)

DOCKET NO. 110007-EI
Filed: March 17, 2011

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO STAFF'S FIRST SET OF INTERROGATORIES**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in response to Staff's First Set of Interrogatories, No. 3, (the "Confidential Discovery Response") which was served by Staff on February 11, 2011. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's First Set of Interrogatories on March 14, 2011, for overnight delivery to Staff on March 15, 2011. By agreement with Staff, FPL served additional data in response to Staff's First Set of Interrogatories, No. 3. to Staff on March 17, 2001. This request is being filed contemporaneously with the service of the Confidential Discovery Response to Staff, in order to request confidential classification of the Confidential Discovery Response consistent with Rule 25-22.006, Florida Administrative Code.

2. The following exhibits are included with and made a part of this request:

a. Exhibit A consists of a copy of the Confidential Discovery Response on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of an edited version of Exhibit A on which all information that FPL asserts is entitled to confidential treatment has been redacted.

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c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of J.L. Martinez, Senior Director of Project Development.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 hard of disclosure against the public interest in access to the information.

4. As the affidavit included in Exhibit D indicates, the information provided by FPL relates to competitive interests, the disclosure of which would impair the competitive business of FPL. Such information is protected by Section 366.093(3)(e). Specifically, the information relates to FPL's cost of estimating and construction management practices for solar projects.

5. Upon a finding by the Commission that the information provided in Exhibit A, and referenced in Exhibits B, C, and D is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See S.366.093(4), F.S.*

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Discovery Responses as described herein.

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Managing Attorney
Scott A. Goorland, Esq.
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5633
Facsimile: (561) 691-7135

BY: 
Scott A. Goorland
Fla. Bar No. 0066834

CERTIFICATE OF SERVICE

Docket No. 110007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery(*) or United States mail on March 17, 2011 to the following:

Martha Brown, Esq.(*)
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

J. R Kelly, Esq
Patricia Christensen, Esq.
Charles Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 W Madison St. Room 812
Tallahassee, FL 32399-1400

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Ausley & McMullen
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Tallahassee, Florida 32302

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Progress Energy Service Company, LLC
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St. Petersburg, Florida 33733-4042

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Staff Attorney
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Gary V. Perko, Esq.
Hopping Green & Sams
P.O Box 6526
Tallahassee, FL 32314
Attorneys for Progress Energy Florida

BY: 

Scott A. Goorland
Fla. Bar No. 0066834

EXHIBIT "A"

**CONFIDENTIAL
FILED UNDER SEPARATE COVER**

EXHIBIT "B"

REDACTED

EDITED VERSION

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EXHIBIT B
CONFIDENTIAL

Florida Power and Light Company
Docket No. 110007-EI
Staff's First Set of Interrogatories
Interrogatory No.3
Attachment I, Page 1 of 1

REDACTED

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In Millions Of Dollars

Difference

Approved Estimated/ Higher/(Lower)
Plan Actual Than planned %

Desoto Next Generation Solar

| | | | | |
|---|--|--|--|--|
| Solar Field | | | | |
| Power Block | | | | |
| FPL Procured Materials | | | | |
| Transmission, Interconnection and Integration | | | | |
| Balance of Plant / Other | | | | |
| Project Total: | | | | |

Spacecoast Next Generation Solar

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|---|--|--|--|--|
| Solar Field | | | | |
| Power Block | | | | |
| FPL Procured Materials | | | | |
| Transmission, Interconnection and Integration | | | | |
| Balance of Plant / Other | | | | |
| Project Total: | | | | |

Martin Next Generation Solar

| | | | | |
|---|--|--|--|--|
| Solar Field | | | | |
| Power Block | | | | |
| FPL Procured Materials | | | | |
| Transmission, Interconnection and Integration | | | | |
| Balance of Plant / Other | | | | |
| Project Total: | | | | |

TOTAL SOLAR

| | | | | |
|---|--|--|--|--|
| Solar Field | | | | |
| Power Block | | | | |
| FPL Procured Materials | | | | |
| Transmission, Interconnection and Integration | | | | |
| Balance of Plant / Other | | | | |
| Total Solar: | | | | |

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EXHIBIT "C"

JUSTIFICATION TABLE

DOCUMENT NUMBER-DATE
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EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET NO.: 110007-EI
DOCKET TITLE: Environmental Cost Recovery Clause
SUBJECT: Staff's First Set of Interrogatories No. 3
DATE: March 17, 2011

| Interrogatory No. | Description | Conf. Y/N | Line Nos. | Florida Statute 366.093(3) Subsection | Affiant |
|--------------------------|--------------------|------------------|---|--|----------------|
| 3 | Attachment I | Y | Col. D-G, lines 6-11, 15-20, 24-29, 34-39 | (e) | J.L. Martinez |

EXHIBIT “D”

AFFIDAVIT

DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)

DOCKET NO. 110007-EI

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF J.L MARTINEZ

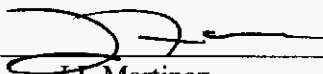
BEFORE ME, the undersigned authority, personally appeared J.L Martinez who, being first duly sworn deposes and says:

1. My name is J.L Martinez. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the information included in Exhibit A to FPL's Request for Confidential Classification. The information in Exhibit A which is asserted by FPL to be proprietary confidential business information relates to the competitive interests, the disclosure of which would impair the business of FPL. Specifically, the information relates to FPL's cost of estimating and construction management practices for solar projects. To the best of my knowledge, FPL has maintained the confidentiality of the information in Exhibit A which is asserted by FPL to be proprietary confidential business information.


3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, the document containing the proprietary confidential business information 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 that information.

4. Affiant says nothing further.

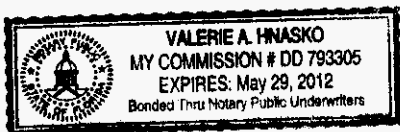


J.L Martinez

SWORN TO AND SUBSCRIBED before me this 16 day of March, 2011 by J.L Martinez, 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, at Large



My Commission Expires:
5/29/12

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State of Florida



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

**Scott A. Goorland
700 Universe Blvd.
Juno Beach FL 33408**

Re: Acknowledgement of Confidential Filing in Docket No. 110007-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on March 17, 2011, in the above-referenced docket.

Document Number 01803-11 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.