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March 28, 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
 _____ filed by OPC

RECEIVED 7:50
 11 MAR 28 PM 12: 29
 COMMISSION
 CLERK

Re: Docket No. 110007-EI

For DN 02010-11, 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 Third Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 05-033-4-1. The original includes Revised Exhibits A and B, and Third Revised Exhibits C and D.

Revised Exhibits A and B consist of modified copies of Exhibits A and B, which were filed in Docket 050007-EI, with FPL's August 4, 2005 Request for Confidential Classification. These pages are intended to replace Exhibits A and B, which were filed with FPL's August 4, 2005 Request for Confidential Classification. Third Revised Exhibit C consists of a justification table in support of FPL's Third Request for Extension of Confidential Classification. Third Revised Exhibit D contains one affidavit in support of FPL's Third Request for Extension of Confidential Classification. Third Revised Exhibits C and D are intended to replace Revised Exhibits C and D, which were filed in Docket 090007-EI with FPL's January 13, 2009 Second Request for Extension of Confidential Classification.

Also included in this filing is a compact disc containing FPL's Third Request for Extension of Confidential Classification and Third Revised Exhibit C only, in Microsoft Word format.

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

Please contact me if you have any questions regarding this filing.

3 CD containing request & exhibit C.

Sincerely,

Ilan G. Kaufer
 Attorney for
 Florida Power & Light Company

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

DOCUMENT NUMBER-DATE

02009 MAR 28 =

Fpsc-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause)

Docket No. 110007-EI
Filed: March 28, 2011

**FLORIDA POWER & LIGHT COMPANY'S
THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 05-033-4-1**

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 material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 05-033-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. On August 4, 2005, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit, along with Exhibits A through D ("the August 4, 2005 Request"). FPL adopts and incorporates herein by reference Exhibits A and B from the August 4, 2005 Request.
2. By Order No. PSC-05-0917-CFO-EI, dated September 16, 2005, the Commission granted FPL's August 4, 2005 Request.
3. On March 15, 2007, FPL filed its First Request for Extension of Confidential Classification ("March 15, 2007 Request"), along with Revised Exhibits C and D. By Order No. PSC-07-0582-CFO-EI, dated July 13, 2007, the Commission granted FPL's March 15, 2007 Request.
4. On January 13, 2009, FPL filed its Second Request for Extension of Confidential Classification ("January 13, 2009 Request"), along with Revised Exhibits C and D. By Order No. PSC-09-0708-CFO-EI, dated October 23, 2009, the Commission granted FPL's January 13,

2009 Request. FPL adopts and incorporates herein by reference the January 13, 2009 Request, including Revised Exhibits C and D.

5. The period of confidential treatment granted by Order No. PSC-09-0708-CFO-EI will soon expire. Some of the information that was the subject of FPL's January 13, 2009 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. FPL has identified the information that warrants continued confidential treatment in Third Revised Exhibit C, attached. ("Confidential Information"). Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

6. Included herewith and made a part hereof is Revised Exhibit A, Revised Exhibit B, Third Revised Exhibit C, and Third Revised Exhibit D.

7. As noted above, FPL has determined that only some of the information, which was confidential at the time of the January 13, 2009 Request, warrants continued confidential treatment. Revised Exhibits A and B are intended to replace Exhibits A and B, which were filed with FPL's August 4, 2005 Request, in their entirety. Third Revised Exhibits C and D are intended to replace Revised Exhibits C and D, which were filed with FPL's January 13, 2009 Request. The following working papers were revised: 9 and 9-1.

8. FPL has identified all of the information in the working papers that warrants continued confidential treatment in Third Revised Exhibit C. Third Revised Exhibit C contains a table identifying the specific pages, and line(s) or column(s) that remain confidential. The table also provides references to the specific statutory basis or bases for the claim of confidentiality, and to the affidavits in support of the requested classification. Third Revised Exhibit C also reflects that Damaris Rodriguez has been added as an affiant in support of the continued

confidential classification of the confidential documents. Third Revised Exhibit D contains the affidavit of Damaris Rodriguez.

9. FPL submits that the information identified in Third Revised Exhibit C continues to be proprietary and 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, 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.

10. As the affidavit in Third Revised Exhibit D indicates, the information that FPL asserts is proprietary and confidential business information contains or constitutes information relates to customer specific account information. It is FPL's policy not to disclose customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. The policy includes but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh, and bills. FPL's policy is premised upon customers' right to privacy and the potential that disclosure of customer specific information may harm some customers' competitive interests. This information is protected pursuant to section 366.093(3)(e), Florida Statutes.


11. Nothing has occurred since the issuance of Order No. PSC-09-0708-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate.

12. 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 foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler, Esq.
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Principal Attorney
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By: 

Ilan G. Kaufer
Fla. Bar No. 65394

**CERTIFICATE OF SERVICE
DOCKET NO. 110007-EI**

I HEREBY CERTIFY that a true and correct copy of this Request for Confidential Classification (without exhibits) was served via hand delivery* or by U.S. Mail this 28th day of April, 2011, to the following:

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By: 

Ilan G. Kaufer

State of Florida



Public Service Commission

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Ilan Kaufer
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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 28, 2011, in the above-referenced docket.

Document Number 02010-11 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.