



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

REC'D - COMMISSION CLERK

11 MAR 31 PM 3:12

Jessica Cano
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5226
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COMMISSION
CLERK

March 31, 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
 filed by OPC

For DN 02118-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110031-EG

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven copies of its Request for Confidential Classification regarding confidential information included in FPL's response to Staff's First Data Request, No. 13. The seven copies include Exhibits B, C, and D only.

Exhibit A consists of the confidential document, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification table supporting its Request for Confidential Classification. Exhibit D contains one affidavit in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

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

Sincerely,

Jessica A. Cano

- COM _____
- APA _____
- ECR 4 _____
- GCL _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK _____

4 CDs containing request and
Enclosures exhibit C.
cc: Keino Young

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Florida Power & Light Company's)
Petition for Approval of Residential Service)
Dynamic Price Response Pilot Rate)

Docket No. 110031-EG

Filed: March 31, 2011

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of portions of its response to Staff's First Data Request, No. 13. In support of its request, FPL states:

1. On March 10, 2011, FPL filed a Notice of Intent to Request Confidential Classification of its response to Staff's First Data Request, No. 13. Pursuant to Rule 25-22.006(3)(a), FPL is hereby requesting confidential classification of that response.
2. The following exhibits are included with and made a part of this request:
 - a. Exhibit A consists of a copy of the confidential response on which all information that FPL asserts is entitled to confidential treatment has been highlighted.
 - b. Exhibit B consists of a copy of the confidential response on which all information that FPL asserts is entitled to confidential treatment has been redacted.
 - c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with a reference to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.
 - d. Exhibit D includes the affidavit of Natalie Smith, in support of this request.

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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 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.


4. As the affidavit included in Exhibit D indicates, the information provided by FPL contains information related to contractual terms, the public disclosure of which would impair FPL's ability to contract for goods or services on favorable terms in the future. Specifically, this information contains negotiated pricing terms for equipment purchases. Such information is protected by Section 366.093(3)(d), Florida Statutes.

5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, 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* § 366.093(4), Fla. Stat.

WHEREFORE, FPL respectfully requests confidential classification of its response to Staff's First Data Request, No. 13.

Respectfully submitted,

Jessica A. Cano
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By: 
for Jessica A. Cano
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 110031-EG**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification, without Exhibit A, was served by hand delivery this 31st day of March, 2011 to the following:

Keino Young, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
KYOUNG@PSC.STATE.FL.US

By: 
Jessica A. Cano
Fla. Bar No. 0037372

REDACTED

EXHIBIT B

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13. Page 5 of Appendix A to the petition discusses the appliances that will be provided to some participants. Please identify the make, model, and cost of each of the "Smart Appliances" to be provided to the 10 RSDPR- 1 pilot participants.

A: Please note that FPL's response to this Data Request contains proprietary pricing information and, therefore, must be treated as confidential. An un-redacted copy of this answer is being filed separately with a Notice of Intent to Request Confidential Classification. All smart appliance costs are paid by the DOE grant.

Table 1: Smart Appliances to be provided to ten RSDPR-1 pilot participants

Make	Model	Cost
General Electric	Refrigerator, side-by-side, PSQS6YGYSS, or	
General Electric	Refrigerator, bottom-drawer, PFQS5PJYSS	
General Electric	Dishwasher, PDWT585RSS	
General Electric	Clothes washer, WPDH8910KWW	
General Electric	Clothes dryer, DPVH91EKWW	
General Electric	GeoSpring hybrid water heater, GEH50DNSRSA	

A

B

C

EXHIBIT C

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EXHIBIT C
Justification Table
Docket No. 110031-EG

Document	No. of Pages	Conf. Y/N	Line / Column	Florida Statute 366.093 (3) Subsection	Affiant
FPL's Response to Staff's First Set of Data Requests, No. 13	1	Y	Column C	(d)	Natalie F. Smith

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EXHIBIT D

DOCUMENT NUMBER-DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of Residential)
Service Dynamic Price Response Pilot Rate)

DOCKET NO. 110031-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF NATALIE F. SMITH


BEFORE ME, the undersigned authority, personally appeared Natalie F. Smith who, being first duly sworn, deposes and says:

1. My name is Natalie F. Smith. I am currently employed by Florida Power & Light Company ("FPL") as Director, Regulatory Strategy & Planning, Customer Service. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the document that is included in FPL's Request for Confidential Classification concerning information in FPL's response to Staff's First Set of Data Requests, No. 13. The document that I have reviewed contains proprietary confidential business information, including information concerning contractual equipment pricing terms. 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 this document.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they 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.



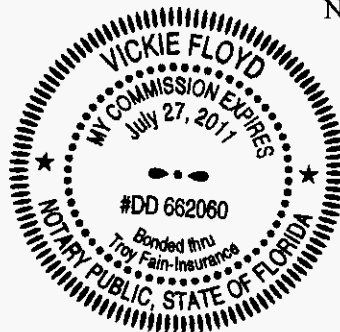
Natalie F. Smith

SWORN TO AND SUBSCRIBED before me this 30th day of March 2011, by Natalie F. Smith, 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:



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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. 110031-EG

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a **CONFIDENTIAL DOCUMENT** filed on March 31, 2011, in the above-referenced docket.

Document Number 02118-11 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.