



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

William P. Cox
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5662
(561) 691-7135 (Facsimile)

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

For DN 02362-11, which is in locked storage. You must be authorized to view this DN.-CLK

April 8, 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

RECEIVED
11 APR -8 PM 2:16
COMMISSION
CLERK

Re: Docket No. 110018-EU

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification of Staff's Production of Documents Request No. 8. The original includes Exhibits A through D. The seven (7) copies include Exhibits B through D only.

Exhibit A includes a compact disc containing an electronic copy of the confidential Excel electronic file (document) containing the supplemental response to Staff's POD No. 8, all of which is confidential information under Florida law and therefore designated as highlighted in its entirety. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of a justification table in support of FPL's 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.

COM _____
APA _____
ECR 2
GCL 1
RAD 3+CD
SSC _____
ADM _____
OPC Enclosures
CLK cc: parties of record, w/out exhibits

Sincerely,

for William P. Cox

DOCUMENT NUMBER-DATE
02361 APR-8 =
FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint petition for modification to) DOCKET NO. 110018-EU
determination of need for expansion of an)
existing renewable energy electrical power)
plant in Palm Beach County by Solid Waste)
Authority of Palm Beach County and Florida)
Power & Light Company, and for approval of)
associated regulatory accounting and) FILED: April 8, 2011
purchased power agreement cost recovery.)

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF SUPPLEMENTAL RESPONSE TO THE
STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION
REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 8)**

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 to the Staff of the Florida Public Service Commission ("Staff") pursuant to Staff's Request for Production of Documents to FPL No. 8 ("POD No. 8"), which was served by Staff on February 2, 2011. In support of its request, FPL states as follows:

1. FPL served its supplemental responses to Staff's First Request for Production of Documents on March 7, 2011. In response to Staff's subsequent request to view and retain a copy of FPL's confidential supplemental response to Staff's POD No. 8, FPL filed with the Commission Clerk on March 18, 2011, its Notice of Intent to Request Confidential Classification of information contained in FPL's supplemental response to Staff's POD No. 8, which included a copy of the requested information in an Excel electronic file on a compact disc labeled "**CONFIDENTIAL**", consistent with Rule 25-22.006, F.A.C. This compact disc containing the Excel file with the confidential information contained therein has been identified by the

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Commission Clerk as DN 01820-11. Pursuant to Rule 25-22.006, Florida Administrative Code, FPL was given 21 days from the date of the filing of the Notice of Intent to Request Confidential Classification with respect to DN 01820-11 to file a request for confidential classification. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in DN 01820-11.

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

a. Exhibit A includes a compact disc containing an electronic copy of the confidential Excel electronic file (document) containing the supplemental response to Staff's POD No. 8, all of which is confidential information under Florida law and therefore designated as highlighted in its entirety.

b. Exhibit B consists of a hard copy of the confidential document, on which all information that is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing the specific line and page references to the confidential materials for which confidential treatment is sought, and references 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 Gene Ungar.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., 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 a compilation of competitively sensitive information related to fuel price forecasts. This information is protected from public disclosure pursuant to Section 366.093(3)(e), F.S. Disclosure of this information could impair the competitive interests of FPL in its ability to achieve the lowest fuel costs for its customers, as well as the competitive interests of the third party providers of the information.

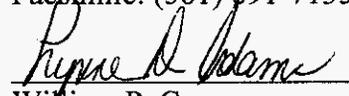
5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information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

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 Request for Confidential Classification be granted.

Respectfully submitted,

William P. Cox
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5662
Facsimile: (561) 691-7135

By:


William P. Cox
Fla. Bar No. 0093531

**CERTIFICATE OF SERVICE
DOCKET NO. 110018-EU**

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 8th day of April, 2011, to the following:

Adam J. Teitzman
Attorney Supervisor
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
ateitzma@psc.state.fl.us

Larry Harris / Charles Murphy
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
E-mail: lharris@psc.state.fl.us
cmurphy@psc.state.fl.us

Kelly Sullivan - Attorney at Law
570 Osprey Lakes Circle
Chuluota, FL 32766-6658
Phone: (321) 287-5062
Email: kelly.sullivan.woods@gmail.com

Richard A. Zambo
Richard A. Zambo, P.A.
2336 S.E. Ocean Boulevard, #309
Stuart, Florida 34996
Email: richzambo@aol.com

Marsha E. Rule
Rutledge, Ecenia & Purnell, P.A.
119 South Monroe St., Suite 202
Tallahassee, FL 32301
Email: marsha@reuphlaw.com

Daniel and Alexandria Larson
16933 W. Narlena Dr.
Loxahatchee, Florida 33470
E-mail: danlarson@bellsouth.net

By: 
William P. Cox

EXHIBIT B

REDACTED

Supplemental Response to Staff POD No. 8
Pages 1 - 1848

DOCUMENT NUMBER - DATE

02361 APR-8 =

FPSC-COMMISSION CLERK

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET No.: 110018-EU
DOCKET TITLE: In re: Joint petition for modification to determination of need for expansion of an existing renewable energy electrical power plant in Palm Beach County by Solid Waste Authority of Palm Beach County and Florida Power & Light Company, and for approval of associated regulatory accounting and purchased power agreement cost recovery.
SUBJECT: Staff's 1st Set of Requests for Production of Documents No. 8
DATE: April 8, 2011

Description	Production of Documents Request No.	Conf. Y/N	Line No./ Column No.	Florida Statute 366.093 (3) Subsection	Affiant
Supplemental Response	8	Y	Entire Document (all lines and columns/ Total Pages 1- 1848)	(e)	G. Ungar

EXHIBIT D

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint petition for modification to)
determination of need for expansion of an)
existing renewable energy electrical power)
plant in Palm Beach County by Solid Waste)
Authority of Palm Beach County and)
Florida Power & Light Company, and for)
approval of associated regulatory)
accounting and purchased power agreement)
cost recovery.)

DOCKET NO. 110018-EU

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GENE UNGAR

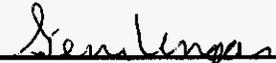
BEFORE ME, the undersigned authority, personally appeared Gene Ungar, who, being first duly sworn deposes and says:

1. My name is Gene Ungar. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Fuels Analysis & Strategy. 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 of both FPL and certain third party providers of information, the disclosure of which would impair the competitive business of both FPL and the third parties. Specifically, the information relates to fuel price forecasts. 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.

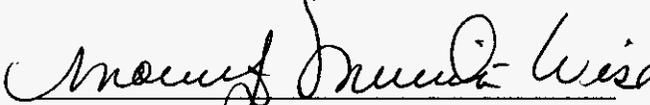
3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, the document containing the proprietary confidential business information should be returned to FPL as soon as the information is no longer 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.



Gene Ungar

SWORN TO AND SUBSCRIBED before me this 4th of April 2011 by Gene Ungar, 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:



DOCUMENT NUMBER-DATE

02361 APR-8 =

FPSC-COMMISSION CLERK

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 8, 2011

TO: William P. Cox

FROM: Marguerite H. Mclean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 110018-EU or, if filed in an undocketed matter, concerning certain information provided to staff pursuant to request for PODs (No. 8) [DN 02362-11], and filed on behalf of Florida Power & Light Company. The document 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.

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us