



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

Kenneth M. Rubin
 Senior Attorney for
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 691-2512
 (561) 691-7135 (Facsimile)

For DN 02365-11, which
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April 8, 2011

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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

Re: Docket No. 110002-EG

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. 07-040-4-1. 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 040002-EG, with FPL's August 3, 2004 Request for Confidential Classification. These pages are intended to replace Exhibits A and B, which were filed with FPL's August 3, 2004 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 090002-EG with FPL's April 15, 2009 Second Request for Extension of Confidential Classification.

Also included in this filing is a compact disc containing FPL's Third Request for

COM Extension of Confidential Classification and Third Revised Exhibit C only, in Microsoft Word
 APA 4 format + CD

- ECR
- GCL
- KAD
- ESC
- DM
- PC
- CLK CLK

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

Sincerely,

Kenneth M. Rubin

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

DOCUMENT NUMBER-DATE
 02363 APR-8 =

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation)
Cost Recovery Clause)

DOCKET No. 110002-EG
Filed: April 8, 2011

**FLORIDA POWER & LIGHT COMPANY'S
THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 04-070-4-1**

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. 04-071-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. On August 3, 2004, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit, along with Exhibits A through D ("the August 3, 2004 Request). FPL adopts and incorporates herein by reference Exhibits A and B from the August 3, 2004 Request.

2. By Order No. PSC-06-0188-CFO-EG, dated March 9, 2006, the Commission granted FPL's August 3, 2004 Request.

3. On September 7, 2007, FPL filed its First Request for Extension of Confidential Classification ("September 7, 2007 Request"), along with Composite Exhibit D. By Order No. PSC-07-0827-CFO-EG, dated October 15, 2007, the Commission granted FPL's September 7, 2007 Request.

4. On April 15, 2009, FPL filed its Second Request for Extension of Confidential Classification ("April 15, 2009 Request"), along with Revised Exhibits C and D. By Order No. PSC-09-0677-CFO-EG, dated October 9, 2009, the Commission granted FPL's April 15, 2009

DOCUMENT NUMBER-DATE

02363 APR-8 =

FPSC-COMMISSION CLERK

Request. FPL adopts and incorporates herein by reference the April 15, 2009 Request, including Revised Exhibits C and D.

5. The period of confidential treatment granted by Order No. PSC-09-0677-CFO-EG will soon expire. Some of the information that was the subject of FPL's April 15, 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 April 15, 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 3, 2004 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 April 15, 2009 Request. The following working papers were revised: 9, 9-1, and 9-2.

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 D contains the affidavit of Anita Sharma.

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.

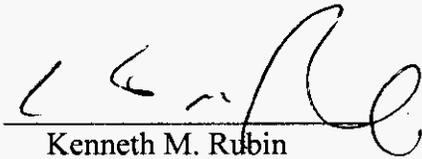
11. Nothing has occurred since the issuance of Order No. PSC-09-0677-CFO-EG to render the confidential information stale or public, such that continued confidential treatment would not be appropriate.

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.
Managing Attorney
Kenneth M. Rubin, Esq.
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-2512
Facsimile: (561) 691-7135

By: 

Kenneth M. Rubin
Fla. Bar No. 349038

**CERTIFICATE OF SERVICE
DOCKET NO. 110002-EG**

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:

Lee Eng Tan*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Ltan@psc.state.fl.us

Office of Public Counsel
J. R. Kelly, Esq.
Patricia Ann Christensen, Esq.
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us
Christensen.patty@leg.state.fl.us

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders/
Steven Griffin
Attorneys for Gulf Power Company
501 Commendancia Street
Pensacola, FL 32502-5953
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com

Ausley Law Firm
James Beasley/J. Jeffrey Wahlen
Attorneys for Tampa Electric Company
(TECO)
P.O. Box 391
Tallahassee, FL 32302
jbeasley@ausley.com
jwahlen@ausley.com

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780
sdriteno@southernco.com

Tampa Electric Company
Paula K. Brown
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111

Florida Industrial Power Users Group
John W. McWhirter, Jr.
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601-3350
jmcwhirter@mac-law.com

Keefe Law Firm
Vicki Gordon Kaufman/Jon C. Moyle, Jr.
Attorneys for Florida Industrial Power
Users Groups (FIPUG)
118 North Gadsen Street
Tallahassee, FL 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

Beth Keating, Esq.
Gunster Firm
Attorneys for FPUC
215 So. Monroe St., Suite 618
Tallahassee, Florida 32301-1804
bkeating@gunster.com

Florida Public Utilities Company
Thomas A. Geoffroy
P. O. Box 3395
West Palm Beach, FL 33402-3395
tgeoffroy@cfgas.com

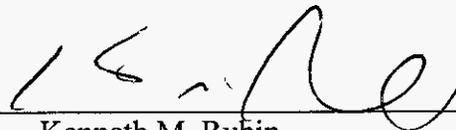
James W. Brew
F. Alvin Taylor
Attorneys for White Springs Agricultural
Chemicals, Inc.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson St., NW
Eighth Floor, West Tower
Washington, DC 20007
jbrew@bbrslaw.com
ataylor@bbrslaw.com

Randy Miller
White Springs Agricultural Chemicals, Inc.
P.O. Box 300
15843 Southeast 78th Street
White Springs, FL 32096
rmiller@pcsphosphate.com

Progress Energy Service Company, LLC
John T. Burnett/Diane M. Triplett
P.O. Box 14042
St. Petersburg, FL 33733-4042
John.burnett@pgnmail.com
Dianne.triplett@pgnmail.com

Progress Energy Florida, Inc.
Mr. Paul Lewis, Jr.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740
Paul.lewisjr@pgnmail.com

Allan Jungels, Capt, USAF
Utility Litigation & Negotiation Team
Staff Attorney
AFLOA/JACL-ULT/FLOA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5317
Attorney for the Federal Executive
Agencies
Allan.Jungels@tyndall.af.mil

By: 
Kenneth M. Rubin

THIRD REVISED EXHIBIT C

COMPANY: Florida Power & Light Company
 TITLE: List of Confidential Workpapers
 AUDIT: FPL, Energy Conservation Cost Recovery Clause Audit
 from Jan. 1 – Dec. 31, 2003
 AUDIT CONTROL NO: 04-070-4-1
 DOCKET NO. 110002- EI

Work Paper No.	Description	No. of Pages	Conf. Y/N	Line No./Column No.	Florida Statute 366.093 (3) Subsection	Affiant
9	Internal Audit List	2	N			
9-1	Internal Audit Notes	2	N			
9-2	Internal Audit Notes	3	N			
41-1/1-1	Calculation of Standby & Supplemental Factor July 2003	2	Y	p. 1, lines 1, 3, 6, 7, Cols. A&B; lines 1b, 3b, 6b & 7b, Col. G p. 2, lines 10-11, 14-15, Cols. A&B; lines 10b, 11b, 14b & 15b, Col. G	(e)	A. Sharma
41-1/2-1	Calculation of Standby & Supplemental Factor Oct 2003	2	Y	p. 1, lines 1, 3, 6-7, Cols. A&B; lines 1b, 3b, 6b, 7b, Col. G p. 2, lines 12-15, Cols. A&B; lines 12b, 13b, 14b & 15b, Col. G	(e)	A. Sharma
41-3	List of RTP Customers	1	Y	lines 1-8, 11-12, 14-19, 27-31, 35-38, Cols. A-C	(e)	A. Sharma
41-3/1	Calculation of RTP ECCR Factor July 2003	1	Y	p. 1, lines 1, 3, Cols. A-B; lines 1b, 3b, Col. G	(e)	A. Sharma
41-3/1-1	Power Billing Detail Report	1	N			
41-3/2	Calculation of RTP ECCR Factor Oct. 2003	1	Y	p. 1, lines 1, 3, Cols. A-B, line 3, Col. C; line 1b, 3b, Col. G	(e)	A. Sharma
41-3/2-1	Power Billing Detail Report	1	N			
43-4	Audit Analyzer Sample of Source Code 50	3	Y	p. 1, lines 5b, 6b, 8b, 11b, 14b, 15b, 16b, 17b, 18b, 19b, 20b, 21b, Col. B; lines 5-6, 11, 14-21, Col. E p. 2, lines 22b, 23b, 24b, 25b, 26b, 27b, 28b, 29b, 30b, 31b, 32b, 33b, 34b, 35b, 36b, 37b,	(e)	A. Sharma

DOCUMENT NUMBER-DATE
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Work Paper No.	Description	No. of Pages	Conf. Y/N	Line No./Column No.	Florida Statute 366.093 (3) Subsection	Affiant
				38b, Col. B; lines 22-38, Col. E p. 3, line 39b, Col. B; line 39, Col. E		
43-4/1	Sample of Source Code 50's	7	Y	p. 1, line 1, Cols. A, D; lines 3-4, 11-13, 16, Col. E p. 2, lines 1, 21, Cols. A, E; lines 1-2, 21-22, Col. D p. 3, line 9, 14, Col. A; line 14, Col. D; line 11, Col. E p. 4, lines 1, 4, 7, 10, 13, 16-17, 19, 21, 23-24, Cols. A, D; lines 17-22, 24, Col. E p. 5, lines 1, 4, 7, 10, 13, 16, 19, Cols. A, D p. 6, lines 1, 3, 6, 9, 12, Cols. A, D; lines 15-18, Cols. A, D, E p. 7, lines 1, 7, 10, 13, 16, 19, 22, Cols. A, D	(e)	A. Sharma
43-5/1	Sample of Source Code 11	1	Y	p. 1, lines 2-6, Cols. B, E, F; line 7, Col. B	(e)	A. Sharma
44-7/2	CILC Reconciliation	1	N			
44-7/2-1	CILC Billing Report	8	Y	p. 1, lines 3, 5, 8-9, 11-12, 14-15, 17, 19-21, 23-27, 29, 33-34, 36, 38, 40, 42-43, 47-48, 50-51, 54-55, 60, 62, 64, Cols. A-C, J-L, N p. 2, lines 73-74, 77-82, 87, 89, 92-93, 99-100, 103, 105, 106, 108, 110-111, 115, 120, 122, 124, 129, Cols. A-C, J-L, N p. 3, lines 134-135, 139-140, 144-147, 149-154, 156-161, 164-166, 168-171, 173, 177, 179-180, 184,		

Work Paper No.	Description	No. of Pages	Conf. Y/N	Line No./Column No.	Florida Statute 366.093 (3) Subsection	Affiant
				187, 189-194, 198, Cols. A-C, J-L, N p. 4, lines 199, 209, 212, 214, 216, 219, 222-223, 226-229, 235, 237, 239-240, 243-244, 246, 248-249, 253-254, 256, 259, 261-264, Cols. A-C, J-L, N p. 5, lines 265, 269-270, 272, 274-276, 278, 280, 282, 284, 286, 289-294, 296, 298, 300, 302, 306-308, 314, 318, 320, 326-330, Cols. A-C, J-L, N p. 6, lines 331, 333, 338, 344, 346, 348, 355, 357, 359-361, 363, 365-366, 368-373, 375, 383, 389-391, 393, 396, Cols. A-C, J-L, N p. 7, lines 398-399, 401-404, 408, 411, 413, 415, 417-418, 420-421, 426, 428-432, 434, 437, 439, 442-443, 445, 451-453, 456-457, 459, 461-462, Cols. A-C, J-L, N p. 8, lines 463, 465, 468-470, 474-477, 480, 482, 486-487, 490-493, 496, 499-500, Cols. A-C, J-L, N		
44-7/2-1/1	Calculation of CILC Credits	1	Y	p. 1, lines 1-11, Cols. B, C, E, H, I	(e)	A. Sharma
44-7/2-1/1-1	Power Billing Detail Report	10	N Y	p. 1 p. 2, lines 1-3, Cols. A, B; lines 10-12, 15-16, Col. B; lines 7-8, 10-12, 15-16, 22-	(e)	A. Sharma

THIRD REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation)
Cost Recovery Clause)

DOCKET No. 110002-EG

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF ANITA SHARMA

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

1. My name is Anita Sharma. I am currently employed by Florida Power & Light Company ("FPL") as Manager, DSM Cost and Performance. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the documents that are included in Exhibit A to FPL's Third Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 04-070-4-1. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute customer-specific account information, which if disclosed would impair FPL's competitive interests or those of its vendors. It is FPL's corporate policy not to disclose customer-specific information. This 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 treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials

3. Nothing has changed since the issuance of Order No. PSC-09-0677-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least eighteen (18) 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.

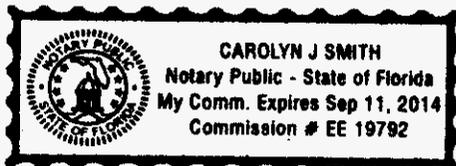
4. Affiant says nothing further.

Anita Sharma
Anita Sharma

SWORN TO AND SUBSCRIBED before me this 24th day of March 2011, by Anita Sharma, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Carolyn J Smith
Notary Public, State of Florida

My Commission Expires:



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FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
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EDUARDO E. BALBIS
JULIE I. BROWN



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 8, 2011

TO: Kenneth M. Rubin

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 110002-EG or, if filed in an undocketed matter, concerning Revised Exh A [to third request for extension of confidential classification, DN 02363-11] materials provided pursuant to Audit No. 04-070-4-1, 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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