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April 8, 2011

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 COMMISSION
 CLERK

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:

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

For DN ~~06625-05~~⁰⁶⁶⁰⁴⁻⁰⁵, which is in locked storage. You must be authorized to view this DN.-CLK

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. 05-042-4-1. The original includes Third Revised Exhibit D.

Third Revised Exhibit D contains one affidavit in support of FPL's Third Request for Extension of Confidential Classification. Third Revised Exhibit D is intended to replace Revised Exhibit D, which was 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 Extension of Confidential Classification in Microsoft Word format.

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

Sincerely,



Kenneth M. Rubin

- COM Enclosures
- APA 4 + e D cc: Counsel for parties of record, w/out exhibits
- ECR 1
- GCL 1
- RAD
- SSC
- ADM
- OPC
- CLK CLK

an FPL Group company

DOCUMENT NUMBER-DATE

02366 APR-8 =

FPSC-COMMISSION CLERK

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. 05-042-4-1**

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. 05-042-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. On July 13, 2005, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit, along with Exhibits A through D ("the July 13, 2005 Request"). FPL adopts and incorporates herein by reference Exhibits A and B from the July 13, 2005 Request.

2. By Order No. PSC-06-0189-CFO-EG, dated March 9, 2006, the Commission granted FPL's July 13, 2005 Request.

3. On September 7, 2007, FPL filed its First Request for Extension of Confidential Classification ("September 7, 2007 Request"), along with Exhibit D. By Order No. PSC-07-0828-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-09-0676-CFO-EG, dated October 9, 2009, the Commission granted FPL's April 15, 2009

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-09-0676-CFO-EG will soon expire. All 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 ("Confidential Information") in Revised Exhibit C, which was filed with FPL's April 15, 2009 Request. Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

6. Included herewith and made a part hereof is a Third Revised Exhibit D.

7. Third Revised Exhibit D is intended to replace Revised Exhibit D, which was filed with FPL's April 15, 2009 Request.

8. Third Revised Exhibit D contains the affidavit of Anita Sharma.

9. FPL submits that the information previously provided in Exhibit A 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-09-0676-CFO-EG to render the confidential information stale or public, such that continued confidential treatment would not be appropriate.

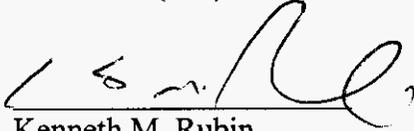
12. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the 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
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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:

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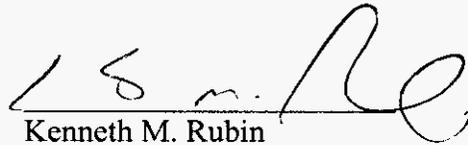
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By:


Kenneth M. Rubin

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. 05-042-4-1. 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-09-0676-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.

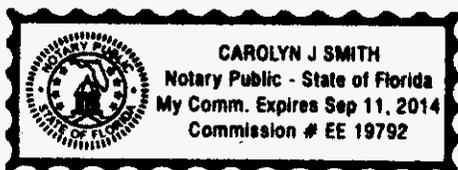
4. Affiant says nothing further.

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:



DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK