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COMMISSION
 CLERK

May 6, 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 / extension
 _____ filed by OPC

For DN 02236-05, which
 is in locked storage. You must be
 authorized to view this DN.-CLK

Re: Docket No. 041291-EI

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 regarding confidential information provided in connection with Audit Control No. 04-343-4-1. The original also includes Revised Exhibit C and Revised Exhibit D. Also included in this filing is a compact disc containing FPL's Request and Revised Exhibit C in Microsoft Word format.

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

Sincerely,

Jessica Cano
 Jessica A. Cano

Enclosures
 cc: parties of record (w/encl.)

- COM _____
- APA _____
- ECR _____
- GCL 1
- RAD _____
- SSC 1
- ADM _____
- OPC _____
- CLK 1

4+1 CD containing request, and exhibit C.

an FPL Group company

DOCUMENT NUMBER-DATE
 03170 MAY-6 =
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company) Docket No. 041291-EI
)
)
) Filed: May 6, 2011

**FLORIDA POWER & LIGHT COMPANY'S THIRD REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
PURSUANT TO AUDIT NO. 04-343-4-1**

NOW, BEFORE THE COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006 of the Florida Administrative Code and Section 366.093 of the Florida Statutes, hereby submits its Third Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with Audit Control No. 04-343-4-1 (the "Audit"). In support of its Request, FPL states as follows:

1. Petitioner's name and address are:

Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408

Orders, notices, or other pleadings related to this request should be served on:

Jessica Cano
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33048

2. On March 3, 2005, FPL filed with the Commission its Request for Confidential Classification of Certain Materials Provided in Connection with the Storm Cost Recovery Audit No. 04-343-4-1 (the "March 3, 2005 Request"). FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through D. FPL adopts and incorporates by reference

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

its March 3, 2005 Request, including Exhibits A, B, C and D. By Order No. PSC-05-0712-CFO-EI dated June 30, 2005, the Commission granted FPL's March 3, 2005 Request.

3. On December 15, 2006, FPL filed with the Commission its First Request for Extension of Confidential Classification of Certain Materials Provided in Connection with the Storm Cost Recovery Audit No. 04-343-4-1 (the "December 15, 2006 Request"). FPL's December 15, 2006 Request was granted by Order No. 07-0790-CFO-EI.

4. On March 27, 2009, FPL filed with the Commission its Second Request for Extension of Confidential Classification of Certain Materials Provided in Connection with the Storm Cost Recovery Audit No. 04-343-4-1 (the "March 27, 2009 Request"). FPL's March 27, 2009 Request was granted by Order No. PSC-09-0738-PCO-EI. The period for confidential treatment granted by that order will soon expire. A majority of the information that was the subject of the March 27, 2009 Request warrants continued treatment as proprietary and confidential business information with the meaning of section 366.093(3). Accordingly, FPL is hereby filing a Third Request for Extension of Confidential Classification.

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

a. Exhibit A, consisting of the confidential materials, and Exhibit B, consisting of the redacted versions of those materials, provided with the December 15, 2006 Request, are incorporated herein by reference.

b. Revised Exhibit C is attached hereto and contains a table with a line-by-line and page-by-page identification of the information for which confidential treatment is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

c. Revised Exhibit D is comprised of the affidavit of David T.

Bromley which supports this Request.

6. FPL submits that the information identified in the Revised Exhibit C continues to be proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. Pursuant to section 366.093, 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 continues to be 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.

7. As explained in the affidavit included in Revised Exhibit D, the materials identified as confidential contain or constitute contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future, to the detriment of FPL and its customers. Additionally, certain information contains or constitutes competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. This information is protected from public disclosure by sections 366.093(3)(d) and 366.093(3)(e), Florida Statutes.

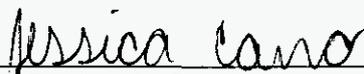
8. Nothing has changed since the issuance of Order No. PSC-09-0738-PFO-EI to render the information identified in Revised Exhibit C stale or public, such that continued confidential treatment would not be appropriate. Upon a finding by the Commission that this information continues to be proprietary confidential business information, the information should continue to be treated as such for an additional 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, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included with or incorporated in this request, Florida Power & Light Company respectfully requests that its Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: 
Jessica A. Cano
Fla. Bar No. 37372

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of FPL's Third Request for Extension of Confidential Classification without attachments has been furnished by U.S. mail this 6th day of May 2011, to the following:

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